

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

COMPREHENSIVE HEALTH OF )  
PLANNED PARENTHOOD )  
GREAT PLAINS, et al. )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
PETER LYSKOWSKI, et al., )  
 )  
Defendants. )

Case No. 2:16-cv-04313-HFS

**STATE DEFENDANTS' MOTION FOR LEAVE TO FILE  
EXHIBITS 1 AND 2 TO THEIR SUPPLEMENTAL BRIEF IN  
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY  
INJUNCTION PROVISIONALLY UNDER SEAL**

The State Defendants respectfully request leave to file Exhibit 1 and Exhibit 2 to their Supplemental Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction provisionally under seal.

In this case, the parties stipulated to targeted preliminary-injunction-related discovery and a schedule for supplemental briefing. The parties have also stipulated to a joint proposed protective order governing discovery in the case, see Ct. Doc. 58-1, but the Court has not yet entered a protective order. On Friday, February 24, 2017, the Plaintiffs produced preliminary-injunction-related discovery that includes summary reports describing complications at the St. Louis and Columbia abortion facilities operated by

the two corporate plaintiffs in this case during the years 2012-2016. Plaintiffs have designated these materials "Confidential." The State Defendants' Exhibits 1 and 2 comprise excerpts from these materials designated "Confidential."

Prior to Plaintiffs' production, because no protective order had yet been entered in the case, the State Defendants agreed to treat the materials produced by Plaintiffs as if they were governed by the stipulated proposed protective order, until such time as the Court might enter a protective order in the case. Because the stipulated proposed protective order calls for the filing of materials designated "Confidential" under seal, in keeping with their agreement with Plaintiffs, the State Defendants respectfully seek leave of the Court to file these two Exhibits provisionally under seal.

To be clear, the State Defendants do not concede that these materials, which consist of summary reports of complications that contain no personal identifying or patient information, are properly designated "Confidential," or that the seal on them should be retained. The State Defendants reserve the right to challenge the "Confidential" designation as to these materials at such time as the Court may enter a protective order in this case. Until such time, however, pursuant to their agreement with Plaintiffs, the State Defendants request leave to file Exhibits 1 and 2 to their Supplemental Brief under seal.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of March, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to the following:

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