

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**GENEVIEVE MAHONEY, a/k/a
@genmahoney19, an individual,**

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 21-CV-00607

Hon. William L. Campbell, Jr.

DEFENDANT FACEBOOK, INC.'S MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to Fed. R. Civ. P. 5.2(d), Local Rules 5.03 and 7.01, and Administrative Order 167-1, Defendant Facebook, Inc. (“Facebook”) respectfully requests leave to provisionally file under seal an unredacted copy of its Memorandum in Support of its Motion to Transfer Venue (“Memorandum”), the Declaration of Jennifer Pricer (“Pricer Declaration”), and the Declaration of Will Camp (“Camp Declaration”) which reference the following personal information related to Plaintiff Genevieve Mahoney’s Instagram use: (i) account name and registration dates; (ii) the device she used to register for Instagram; and (iii) the dates that Ms. Mahoney received and viewed certain notices sent by Instagram. In accordance with Local Rule 5.03(c), a narrowly redacted copy of the Memorandum, Pricer Declaration, and Camp Declaration are being filed on the public docket. Unredacted versions of these documents are attached as exhibits to the Declaration of Overton Thompson III, filed contemporaneously with this Motion For Leave To File Under Seal.

Facebook understands that given “the strong presumption in favor of openness,” “compelling reasons” must be shown to justify the redaction of this information from the public docket. *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305-06 (6th Cir. 2016). However, Facebook generally considers the above-referenced details of Instagram users’ account

activity to be non-public information, and courts have recognized that narrow redactions of personal information may meet the standard for sealing in at least some circumstances. *See In re Flint Water Cases*, 2021 WL 1877018, at *2 (E.D. Mich. Apr. 21, 2021) (citing cases). Therefore, Facebook is provisionally filing this information under seal so that Plaintiff has the opportunity to make a showing under Local Rule 5.03(b) that compelling reasons exist to justify its sealing. Should Plaintiff decline to make such a showing or otherwise indicate to Facebook or the Court that she does not intend to do so, Facebook will promptly withdraw its sealing request and file an unredacted copy of the Memorandum and Pricer Declaration on the public docket.

Pursuant to Local Rule 7.01(a), Facebook conferred with Plaintiff regarding the filing of this motion. Plaintiff requested that Facebook file the above-referenced information concerning her Instagram account use provisionally under seal pursuant to Local Rule 5.03.

Dated: August 30, 2021

Respectfully submitted,

/s/ Overton Thompson III

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed and served upon the following via the Court's ECF system on this the 30th day of August, 2021:

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