

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, JANE DOE 2,
JANE DOE 3, JANE DOE 4,
JANE DOE 5, JANE DOE 6,
JANE DOE 7, JANE DOE 8,
JANE DOE 9, and
JANE DOE 10,

Plaintiffs,

V.

BAYLOR UNIVERSITY,

Defendant.

6:16-CV-173-RP

ORDER

Beginning on August 21, 2018, this Court received a series of sealed motions seeking a protective order to seal part of the deposition transcript of Thomas Hill. (*See* Dkts. 488, 489, 490, 491). The Court granted a temporary protective order pending a hearing on the motion, (Dkt. 492), and received further briefing from the parties, (Dkts. 502, 503, 504). Because the alleged statements described in Thomas Hill’s deposition were both highly inflammatory and based on a double hearsay, the Court found that this combination of factors presented a rare instance where a protective order is appropriate in order to protect a party from significant reputational harm where the only evidence would not be admissible in any court. (Dkt. 508, at 2). The Court directed the parties to file a joint proposed sealing order. (*See* Dkts. 508, 521). On September 10, 2018, this Court entered an order sealing part of the deposition transcript of Thomas Hill (“Sealing Order”). (Dkt. 522).

The Court then received a series of motions and responsive filings regarding the affidavit of Greg Klepper, who alleged that he was a first-person witness to the statements described in the sealed deposition excerpts. (Dkts. 534, 539, 540, 541, 542). The Court denied a motion for a hearing

on those motions, (Dkt. 543), and the parties filed additional briefing, (Dkts. 546, 547). On October 1, 2018, the Court entered an order declining to seal Greg Klepper's affidavit, and ordering that the deposition transcript of Thomas Hill remained under seal. (Dkt. 548). The Court then received cross-motions to unseal some or all of the sealed filings. (Dkts. 553, 560).

A district court "may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden." Fed. R. Civ. P. 26(c)(1). This rule "confers broad discretion on the trial court to decide when a protective order is appropriate and what degree of protection is required." *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984). In light of the publication of the alleged statements in the deposition under the original sealing order, (Dkt. 522), the underlying purpose of the original sealing order is now moot. The Court concludes that there is no longer good cause for a protective order governing these matters and all related materials should be unsealed.

Accordingly, **IT IS ORDERED** that all orders, motions, filings, and evidentiary material related to the deposition of Thomas Hill and affidavit of Greg Klepper, (Dkts. 488, 489, 490, 491, 492, 502, 503, 504, 508, 521, 522, 534, 539, 540, 541, 542, 543, 546, 547, 548) are **UNSEALED**.

SIGNED on October 10, 2018.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE