

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SAMUEL BARROW,

Plaintiff,

:

Case No. 3:15-cv-341

- vs -

District Judge Walter Herbert Rice

Magistrate Judge Michael R. Merz

LIVING WORD CHURCH, et al.,

Defendants.

:

**DECISION AND ORDER ON MOTION TO INTERVENE; ORDER TO
THE CLERK**

This case is before the Court on Motion of Eugene Volokh to intervene in this case for limited purposes (ECF No. 90). The face of the Motion reports that Plaintiff and Defendant Antoinette Nartker have consented to the Motion. The other Defendants were given until August 15, 2016, to file any memoranda contra, but none have been filed.

The first request in the Motion to Intervene is for clarification of “whether the Court has ordered that the Second Amended Complaint remains [sic] sealed. . . .” It has not. Professor Volokh correctly reads the Court’s Decision and Order on Motion to Redact (ECF No. 82) as refusing to maintain the Second Amended Complaint under seal. The time for appealing to the District Judge from that Order has expired and no appeal was taken. Accordingly, the Clerk is ORDERED to unseal the Second Amended Complaint forthwith.

The Court agrees that a motion to intervene is a proper vehicle for interested persons, particularly the press, to seek access to sealed documents. Professor Volokh indicates his sole reason for seeking to intervene is to obtain the unsealing of the Second Amended Complaint. That already having been done, the request to intervene appears to be moot and with it, the request to be able to file electronically.

However, the Court agrees with Professor Volokh that the case involves an important substantive issue involving First Amendment questions. Because of his prominence in the legal profession, the Court would welcome Professor Volokh's views on the substantive issues he notes. Those views would be most appropriately before the Court should he appear amicus curiae. With the hope that he may wish to do so and therefore will have occasion to file further papers in this case, his request to file electronically is GRANTED. The Clerk shall facilitate his registration for that purpose.

August 16, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge