IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

JANE DOE v. NORTHERN KENTUCKY UNIVERSITY, et al.	)	Case No. 2:16-cv-00028-WOB-CJS

MOTION TO INTERVENE OF THE *NORTHERN KENTUCKY TRIBUNE*

The *Northern Kentucky Tribune* ("the *Tribune*") hereby moves this Court for leave to intervene in this action pursuant to Federal Rule of Civil Procedure 24(a)(1) or, in the alternative, Rule 42(a)(2), for the limited purposes of opposing the following motions: (1) Defendant Northern Kentucky University, Geoffrey S. Mearns, Kathleen Roberts, and Ann James' (hereinafter, "NKU Defendants") Motion to Enter Gag Order and to Seal (Doc. #53); (2) Defendant Les Kachurek's Motion to Enter Gag Order and to Seal Record (Doc. #54); and (3) the NKU Defendants' Motion to Seal (Doc. #64). As grounds for this motion, Intervenor states as follows:

1. The *Northern Kentucky Tribune* ("the *Tribune*") is a nonprofit, public-service newspaper serving the Northern Kentucky region and published by the Kentucky Center for Public Service Journalism. The *Tribune* has provided ongoing news coverage of this lawsuit and intends to continue doing so in the future to serve the interests of its readers

2. The Motion to Intervene is timely, coming less than 30 days since the filing of Defendants' motions.

3. Intervenor has a substantial legal interest in the subject matter of the motion. The *Tribune*'s interests would be directly prejudiced by the grant of Defendants' motions, because

its ability to provide its readers with continuing coverage of this lawsuit, a matter of substantial public interest and concern, would be frustrated by the inability to review court filings or speak with participants in the case.

4. Intervenor's interests are not adequately protected by the existing parties to the litigation. None of the parties is a journalism or open-government organization in a position to speak for the interests of the public in access to this newsworthy court proceeding, and the public's special interest in monitoring the workings of the legal system when a powerful, taxpayer-supported entity such as Northern Kentucky University is a party.

5. Intervenor also satisfies the requirements for permissive intervention because the *Tribune*'s claims have questions of law and fact in common with the claims and facts at issue in the main action. *See* Fed. R. Civ. P. 24(b)(2).

6. As further support for this Motion, Intervenor respectfully directs the Court to the following Memorandum of Law, which is attached hereto and incorporated herein by reference.

Respectfully submitted this 26th day of September, 2016.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2016, I electronically filed the foregoing *Motion to Intervene of the Northern Kentucky Tribune* with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing, if applicable, to the following:

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FOR THE EASTERN DISTRICT OF KENTUCKY

JANE DOE v. NORTHERN KENTUCKY UNIVERSITY, et al.	)	Case No. 2:16-cv-00028-WOB-CJS

MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO INTERVENE

I. INTRODUCTION

This case involves issues of the highest public interest and concern: Whether students on college campuses are safe from sexual assault and whether sexual assaults reported to college authorities are adequately investigated and punished, particularly where college athletes are involved. These issues are of such public consequence that the Vice President of the United States has repeatedly conducted public awareness events devoted to campus sexual assault, which has been the subject of a White House-level initiative including celebrity public-service announcements.[1]

Secrecy orders restricting public access to court filings and proceedings are always disfavored, doubly so in a civil case where the defendant faces no peril of lost life or liberty. A secrecy order would be especially inapt in this case, given that the Defendant is not an accused criminal but a powerful government agency – and major local employer – that has spent many decades cultivating a positive public image among the citizens who will make up the jury pool

[1] *See* Juliet Eilperin, "Biden and Obama rewrite the rulebook on college sexual assaults," *The Washington Post* (July 3, 2016).

(and that employs a marketing department with 17 employees whose stated mission includes "the placement of favorable information about the University" in the news media).[2] Against this reality, the notion that a handful of news articles will cause the Defendant to suffer incurable prejudice among the prospective jury pool is especially farfetched. Indeed, it is far more likely that a jury – which undoubtedly in this community will contain jurors with personal or family connections to NKU – will be inclined to give every benefit of the doubt to the hometown public university over a young woman none will have ever met or heard of.

As shown below, the issues presented by the Defendants' secrecy motions implicate the rights and interests of those other than the parties, going to the heart of well-established constitutional principles recognizing that the legitimacy of the justice system and its outcomes depends on meaningful public access. The *Tribune* seeks leave of this Court to intervene to speak for the interests of journalists in access to timely and reliable information about judicial proceedings, and more broadly, the interests of the *Tribune*'s audience in overseeing the way its state universities discharge their public-safety responsibilities.

II. ARGUMENT

A. Intervenors Satisfy the Requirements for Intervention of Right

Federal Rule of Civil Procedure Rule 24(a) provides that upon timely application, anyone shall be permitted to intervene in an action:

> When the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

[2] The staffing and mission of the University's Marketing + Communications department is reflected on its website at https://marcomm.nku.edu/about/staff.html and https://marcomm.nku.edu/about/mission.html.

Fed. R. Civ. P. 24(a)(2); *Triax Co. v. TRW Inc.*, 724 F.2d 1224, 1227 (6th Cir. 1984)

The Sixth Circuit has established a four-part test to establish the right to intervene under Rule 24(a)(2): (1) the motion was timely brought; (2) the applicant has a substantial legal interest in the case; (3) the applicant's ability to protect that interest will be impaired in the absence of intervention, and (4) the applicant's interests are inadequately represented by the parties already before the court. *Michigan State AFL-CIO v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997). While the petitioner carries the burden of establishing the right to intervene, *United States v. Texas E. Transmission Corp.*, 923 F.2d 410, 414 (5th Cir. 1991), Rule 24 is liberally construed and doubts are to be resolved in favor of the proposed intervenor. *United States v. Union Elec. Co.*, 64 F.3d 1152, 1158 (8th Cir. 1995).

The *Tribune*'s request for intervention satisfies the requirements of Rule 24(a)(2) for intervention as of right. The *Tribune* has a substantial legal interest in the subject matter of the action that is not adequately represented by any existing party, and that will be prejudiced if the litigation is allowed to proceed without its participation for this limited purpose. The *Tribune* is timely seeking to intervene in this action, as the motions were filed within the past 30 days. Its intervention will not disrupt the proceedings or prejudice any party.

1. Intervenors' Motion to Intervene is Timely

When considering whether intervention is "timely," the age of the case alone is not conclusive; what matters is whether intervention is sought so late in the case that it "will bring about undue delay or prejudice." *Meyer Goldberg, Inc. of Lorain v. Fisher Foods*, 823 F. 2d 159, 161 (6th Cir. 1987) (internal quotes omitted). *See also Diaz v. Southern Drilling Corp*., 427 F.2d 1118, 1125-26 (5th Cir. 1970) (motion to intervene more than a year after the action was commenced was timely when there had been no legally significant proceedings other than the

completion of discovery and intervention would not cause any delay in the overall litigation). "Indeed, delays measured in years have been tolerated where an intervenor is pressing the public's right of access" to government records. *San Jose Mercury News v. U.S. Dist. Court*, 187 F. 3d 1096, 1101 (9th Cir. 1999).

Applying these factors to the instant case, there can be no serious dispute that the application for intervention is timely, as Defendants' motions are newly filed and no action has been taken on them. Further, the *Tribune*'s intervention involves a discrete issue separate from the merits of the underlying case and will not delay the disposition of any substantive issue between the parties.

2. The *Tribune* has a Substantial Legal Interest in this Litigation

For an applicant's interest in the subject matter of the litigation to be cognizable under Rule 24(a)(2), it must be "direct, substantial and legally protectable." *U.S. Army Corps of Engineers*, 302 F.3d at 1249. *See also Chiles*, 865 F.2d at 1212-13 (noting that the focus of a Rule 24 inquiry is "whether the intervenor has a legally protectable interest in the litigation."). The inquiry on this issue "is 'a flexible one, which focuses on the particular facts and circumstances surrounding each [motion for intervention].'" *Chiles*, 865 F.2d at 1214 (quoting *United States v. Perry County Bd. of Educ.*, 567 F.2d 277, 279 (5th Cir. 1978)).

The *Tribune* has a legally protectable interest in this litigation, both in its own right and as a proxy for the public audience it serves. The public is presumed to have a constitutionally based right of access to the records of judicial proceedings. *Press-Enterprise Co. v. Superior Court of Cal.*, 464 U.S. 501, 508-09 (1984). Access to court documents may be denied only where secrecy is necessitated by a compelling government interest and narrowly tailored to serve that interest. *See Press-Enterprise Co.*, 464 U.S. at 509 ("The presumption of openness may be

overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest."); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606-07 (1982) ("[I]t must be shown that the denial is necessitated by a compelling governmental interest, and is narrowly tailored to serve that interest."). The presumption of openness is codified in the local rules of this Court. *See* L.R. 5.7(a) ("Parties and counsel should presume that all documents filed in district court should be available for the public to access and that restricting public access can occur only in limited circumstances"). A gag order on the participants in a trial is the functional equivalent of a prior restraint on news media such as the *Tribune*, since such an order has the intent and effect of frustrating the ability of the media to report on court proceedings.

In the rare civil case involving a confidentiality order analogous to the one at issue here, the Sixth Circuit vacated the order as an unconstitutional prior restraint. The case, *CBS, Inc. v. Young*, 522 F.2d 234 (6th Cir. 1975), involved wrongful death suits arising out of the fatal shooting of four students on the campus of Kent State University during an antiwar demonstration. The judge in that case entered an order directing the parties, including present and former administrators of the university, "to refrain from discussing in any manner whatsoever these cases with members of the news media or the public," an order comparable to that at issue here. *See id.* at 236.

The Sixth Circuit found the order unconstitutional as a prior restraint on speech unjustified by a compelling government interest. The court found the order to be unconstitutionally overbroad because it prohibited all discussion of the case "whether prejudicial or innocuous, whether subjective or objective, whether reportorial or interpretive." *Id.* at 239; *see also id.* at 242 ("the order here makes no effort to limit the ban on extrajudicial statements to

matters which might prejudice the trial, but enjoins any discussions of the cases in any manner whatsoever by the persons or classes specified"). Although the trial court justified the case by reference to pervasive pretrial publicity, the appellate court found that the mere existence of "massive" media coverage did not justify the "extreme" remedy of a gag order on trial participants. *Id.* at 240. *See also Davis v. East Baton Rouge Parish Sch. Bd.*, 78 F.3d 920, 929-30 (5th Cir. 196) (district court's order sealing public access to preliminary meetings to draft court-ordered desegregation plan was an unconstitutional prior restraint on news media). Defendants' motions would defeat the right of access that the *Tribune*, and all members of the public, would otherwise have to the records of filings made in this case.

It is especially crucial that the public be fully informed about the conduct of this litigation because cases of this nature predictably result in settlements, the outcome of which may be payment of substantial taxpayer monies to Doe and her counsel. For instance, the University of Tennessee recently paid $2.8 million to a single plaintiff to resolve claims analogous to those at issue here, while the University of Connecticut paid $1.3 million to five current and former student plaintiffs on comparable facts.[3] If NKU were to write a check for seven figures to resolve this case before the evidence could be presented for public examination at trial, the public would be left to wonder where its millions went and why.

Finally, how the University conducts itself during the course of litigation itself is a subject of enormous public interest and concern, because the administrators of Northern Kentucky University are well-paid, powerful government officials. If the University is abusive toward Ms. Doe in conducting this litigation, the citizens of Kentucky are entitled to know that

[3] *See* Nate Rau & Anita Wadhwani, "Tennessee settles sexual assault suit for $2.48 million," *The Tennesseean* (July 6, 2016); Jake New, "Major Sexual Assault Settlement," *Inside Higher Ed* (July 21, 2014).

and to decide whether that is behavior to be countenanced from their public servants. To illustrate, when it became known in 2015 that the University of Oregon had used the mental-health counseling records of a plaintiff in a Title IX lawsuit against her in litigation, the resulting outrage led to proposed federal reforms.[4] Had the Oregon litigation been conducted in the closed-door manner that Defendants seek here, the public would never have learned of the University's opportunistic behavior and a reform movement could not have galvanized.

While the existing parties to the litigation will not be prejudiced by the *Tribune*'s intervention, the *Tribune* will be prejudiced if its request for intervention is denied. The *Tribune*'s ability to provide news coverage of the underlying subject of the litigation – whether a public university adequately responded to serious accusations of criminal wrongdoing victimizing a student – will be gravely impaired without access to interviews with participants in the case or records (and indeed, the frustration of news coverage is exactly Defendants' objective). In light of the current high state of interest in the subject of campus sexual assault, and of the way in which universities respond to reports of sexual assault, the public has a legitimate interest in knowing how this litigation is progressing. Given the early state of the underlying litigation, a gag order would likely mean a "news blackout" of many months without any meaningful updates on the progress of the litigation. During that period, members of the community will have to make potentially irrevocable decisions that could benefit from access to timely information about the case, including whether to enroll in (to or remain enrolled at) the University.

[4] *See* Kristian Foden-Vencil, College Rape Case Shows A Key Limit To Medical Privacy Law," *NPR.org* (March 9, 2015); Tyler Kingkade, "Congresswoman 'Troubled' By Privacy Loophole On Student Health Records Confronts Education Department," *The Huffington Post* (March 11, 2015).

Additionally, we no longer live in a time when only those owning printing presses or television stations could publish. In the absence of well-sourced information based on court filings and the first-hand accounts of the most knowledgeable participants, the public will not simply stop talking and lose interest in this case; rather, rumor and gossip will replace news. Neither the interests of an informed public nor the interests of a fair trial are advanced by creating a climate in which suspicious citizens are left to speculate about how the case is proceeding behind dark curtains.

3. The Disposition of the Instant Litigation May Impair Intervenor's Ability to Protect Its Interests

The *Tribune*'s ability to protect its interests would be impaired absent intervention. The *Tribune*'s primary interest in the underlying litigation is to help the public perform its watchdog function in evaluating whether government officials have diligently and responsibly performed their duties. That public interest is not an interest shared by either party in the case. Plaintiff Doe's interest is in vindicating her own rights and in recovering damages for the injuries enumerated in her Complaint. Her counsel is duty-bound to put that objective ahead of the larger public interest in an open, transparent proceeding. Neither party's counsel thus may be fully incentivized to advocate for the interests of the public in timely information about legal proceedings that implicate matters of public concern.

It is said that "justice delayed is justice denied," and the same could be said of news of public importance: Information delayed is information denied. That the *Tribune* might have to wait many months – or, if the case ends in a confidential settlement, never – to inform the public about the claims and positions of the parties is itself an injury that cannot be fully redressed even by the belated unsealing of documents months (or potentially years) after the case has faded from

public currency. *See, e.g.*, *San Jose Mercury News, Inc. v. United States Dist. Ct.-Northern Dist.*, 187 F.3d 1096, 1099 (9th Cir. 1999) (observing in a case involving a newspaper's motion to intervene for purposes of challenging a confidentiality order: "Because of the perishable nature of news, a direct appeal might not be an entirely adequate remedy here. In cases involving a request by the press for access to judicial records … the delay entailed by a direct appeal can constitute an irreparable injury.").

The *Tribune* has a particularly profound interest in how Defendants' secrecy motions are resolved because the motions rely in substantial part on the Court's construction of a much-abused federal privacy statute, the Family Educational Rights and Privacy Act ("FERPA"), that is frequently misapplied by schools and colleges as a tool of concealment. *See* Mary Margaret Penrose, *Tattoos, Tickets, and Other Tawdry Behavior: How Universities Use Federal Law to Hide Their Scandals*, 33 CARDOZO L. REV. 1555 (2012) (documenting how colleges have habitually invoked FERPA without substantial basis when faced with requests for access to unflattering documents that are neither educational nor are legitimately private); Jill Riepenhoff & Todd Jones, "Secrecy 101," *The Columbus Dispatch* (Dec. 17, 2010) (documenting multiple instances in which colleges, faced with requests for public records about their athletic departments, mischaracterized the documents as FERPA-protected education records to evade disclosure).

Defendants know – or certainly should know – that that there is no such thing as "FERPA information," only a FERPA "education record," and that the type of filings and statements made in the course of civil litigation will almost never as a practical matter be subject to the confidentiality strictures of FERPA. The U.S. Department of Education is the sole arbiter of what constitutes a FERPA violation, and the Department has said on multiple occasions that

FERPA is a narrow statute applying only to "education records" themselves, and not (for example) the words coming out of a witness' mouth during a deposition (except in the unlikely event that the witness was reading directly from an education record):

> FERPA applies to the disclosure of tangible records and of information derived from tangible records. FERPA does not protect the confidentiality of information in general, and, therefore, does not apply to the disclosure of information derived from a source other than education records, even if education records exist which contain that information. As a general rule, information that is obtained through personal knowledge or observation, and not from an education record, is not protected from disclosure under FERPA.

See Letter of Dr. LeRoy Rooker, Director of U.S. Department of Education Office of Family Policy Compliance, to Montgomery County, Md., Feb. 15, 2006, *available at* http://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/montcounty0215.html. Specifically, the University knows – or should know – that FERPA does not apply to the observations of witnesses based on their personal knowledge, and that court after court has declined to apply FERPA to records of judicial proceedings. *See, e.g.*, *Heller v. Safford Unified Sch. Dist.*, No. CV2011-00165 (Ariz. Super. Ct. Aug. 22, 2011) (declining to classify settlement documents in student's litigation against a school to be FERPA "education records"); *Jennings v. Univ. of N.C. at Chapel Hill*, 340 F. Supp. 2d 679 (M.D.N.C. 2004) (rejecting college's argument in sexual-harassment case brought by former student that FERPA required filing depositions under seal); *Poway Unified School Dist. v. Superior Court of San Diego County*, 62 Cal. App. 4th 1496 (Cal. App. 1998) (declining to categorize student's claim form demanding compensation as a precursor to litigation as a FERPA "education record"); And the University knows – or should know – that no educational institutional has ever in the 42-year history of FERPA been held by the Department of Education to be in violation of the statute and penalized a cent.[5] Indeed, an

[5] *See* Penrose, *supra*, at 1580.

adverse ruling in this case presents a special danger to the *Tribune*'s – and the public's – ability to meaningfully oversee the performance of this University, because the University is asking the Court to legitimize NKU's own excessively broad characterization of FERPA as a self-validating "fairness" reason for why Ms. Doe and her counsel should be silenced.

Because Defendants are seeking to convince the Court to adopt an illogically broad reading of FERPA confidentiality that is irreconcilable with the statute's structure, history and purpose, the *Tribune* has a substantial interest in opposing the entry of such an order. If courts become convinced that FERPA requires conducting all court cases involving students under a cloak of secrecy, the ability of journalists to inform the public about the workings of the legal system – and to help the public gain reassurance that the system is working in a fair and unbiased manner – will be greatly impaired. An adverse ruling in the Defendants' favor would embolden NKU and all other educational institutions to continue their opportunistic misuse of FERPA to conceal information of public importance in service of illegitimate image concerns.

4. The Existing Parties Do Not Adequately Represent the *Tribune*'s Interests

The final element to justify intervention of right is to demonstrate that the current parties to the litigation inadequately represent the intervenor's interests. This element is satisfied if the proposed intervenor shows merely that representation of his interest "may be" inadequate. *See Michigan State AFL-CIO*, 103 F.3d at 1247. *See also United Mine Workers of America*, 404 U.S. 528, 538 n.10 (1972). The burden to demonstrate that existing parties cannot adequately represent the intervenor's interest "should be treated as minimal." *Trbovich*, 404 U.S. at 538 n. 10; *Michigan State AFL-CIO*, 103 F.3d at 1247. Any doubt should be resolved in favor of the

proposed intervenor, because intervention enables the court to resolve all related disputes in a single action. *Lloyd v. Alabama Dep't of Corrections*, 176 F.3d 1336, 1341 (11th Cir. 1999).

The *Tribune*'s interest as a news organization is qualitatively different from that of the parties. The *Tribune*'s role is to serve as a neutral and independent watchdog over the University's use of government authority and funds. If the *Tribune* is not allowed to intervene in this proceeding, its journalists will have no other recourse to protect their statutorily guaranteed interest in access to the records and proceedings that fall within the scope of Defendants' requested Confidentiality Order.

B. The *Tribune* Meets the Requirements for Permissive Intervention

Rule 24(b) of the Federal Rules of Civil Procedure provides an alternative basis for the *Tribune*'s intervention in this action. Rule 24(b) states, in relevant part:

> Upon timely application anyone may be permitted to intervene in an action …when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

Fed. R. Civ. P. 24(b). *See also Liberte Capital Group, LLC v. Capwill*, 126 Fed. Appx. 214, 220 (6th Cir. Feb. 23, 2005) (explaining that when Rule 24(b) factors are satisfied, court "should" grant intervention, even where petitioner did not satisfy standard for intervention as of right).

As discussed above, the *Tribune*'s application for intervention in this litigation is timely and the *Tribune*'s participation would neither unduly delay the proceedings nor prejudice the

adjudication of the rights of the original parties.[6] The existence of a "common question" is liberally construed in favor of intervention. *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1108-09 (9th Cir. 2002). "[E]very court of appeals to have considered the matter has come to the conclusion that Rule 24 is sufficiently broad-gauged to support a request of intervention for the purposes of challenging confidentiality orders." *Jessup v. Luther*, 227 F.3d 993, 997 (7th Cir. 2000); *see also EEOC v. National Children's Center, Inc.*, 146 F. 3d 1042, 1045 (D.C. Cir. 1998) (making the nearly identical point and collecting cases from multiple circuits in which the Rule 24(b)(2) requirement of a common question of fact or law has been relaxed in the context of an intervenor seeking to challenge a confidentiality order). Accordingly, news media intevenors routinely are granted permissive intervention under Rule 24(b)(2) for the limited purpose of obtaining access to records. *See, e.g., San Jose Mercury News,* 187 F.3d at 1100 (finding that district court erred in denying newspaper's Rule 24(b)(2) motion to intervene in civil-rights case against municipal police department); *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 777 (3d Cir. 1994) (granting news organizations' Rule 24(b)(2) motion to intervene in civil-rights suit brought by demoted police chief for purposes of obtaining access to confidential settlement agreement).

The *Mercury News* case is analogous to the matter at hand. There, journalists sought access to an independent investigator's report into sexual harassment within a local police department, which the defendant produced to the plaintiff under a confidentiality order entered by the judge. The Ninth Circuit found that the newspaper was entitled to join the case as a Rule 24(b) permissive intervenor for the purpose of seeking access to the sealed documents.

[6] The requirements of FRCP 24 are to be construed broadly in favor of the party seeking intervention. *Westlands Water Dist. v. United States*, 700 F.2d 561, 563 (9th Cir. 1983); *United States v. Union Elec. Co.*, 64 F.3d 1152, 1158 (8th Cir. 1995).

Accordingly, having timely brought a motion that implicates questions of fact and law in common with those at issue the case-in-chief, the *Tribune* meets the requirements for permissive intervention.

III. CONCLUSION

For the foregoing reasons, the Court should grant the *Northern Kentucky Tribune*'s motion to intervene (i) as a matter of right pursuant to Rule 24(a)(2) or, in the alternative, (ii) permissively pursuant to Rule 24(b).

Respectfully submitted this 26th day of September, 2016.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2016, I electronically filed the foregoing *Motion to Intervene of the Northern Kentucky Tribune* with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing, if applicable, to the following:

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

JANE DOE v. NORTHERN KENTUCKY UNIVERSITY, et al.	Case No. 2:16-00028-WOB-CJS **ORDER GRANTING NORTHERN KENTUCKY TRIBUNE'S MOTION TO INTERVENE**

This matter coming before the Court on the motion of the Northern Kentucky Tribune to intervene in this action for the purpose of opposing Defendants Northern Kentucky University, Geoffrey S. Mearns, Kathleen Roberts, and Ann James' *Motion to Enter Gag Order and to Seal* (Doc. #53) and *Motion to Seal* (Doc. #64); and Defendant Les Kachurek's (collectively "Defendants") *Motion to Enter Gag Order and to Seal Record* (Doc. #54) (collectively "Closure Motions"), and the Court being in all ways sufficiently advised,

IT HEREBY ORDERED that Northern Kentucky Tribune's Motion to Intervene is hereby GRANTED. The motion and its supporting memorandum tendered to this Court on September 26, 2016 are hereby ordered entered of record.

This the _____ day of _____, 2016.

Tendered by:

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