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12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE DISTRICT OF ARIZONA**
 14 **Phoenix Division**

15	National University of Health Sciences,)	Case No.: _____
16)	
17	Plaintiff,)	PLAINTIFF’S EMERGENCY
18)	EX PARTE MOTION FOR
19	v.)	LEAVE TO FILE ACTION
20)	UNDER SEAL AND
21	The Council on Chiropractic Education, Inc.,))	MEMORANDUM IN
22)	SUPPORT THEREOF
23	Defendant.)	
24	_____)	

25 National University of Health Sciences (“NUHS”), through counsel, pursuant to
 26 Fed. R. Civ. P. 26(c)(1) and LRCiv. 5.6 and 5.7, respectfully moves this Honorable Court
 27 for the entry of an Ex Parte Order permitting it to file its cause of action and emergency
 28 ex parte motion for temporary restraining order under seal. In support of its motion,

1 NUHS states as follows:

2 1. NUHS is a university providing higher education in the field of
3 professional health sciences. NUHS is accredited by The Council on Chiropractic
4 Education (“CCE”). As stated in detail in NUHS’s Emergency Ex Parte Motion for
5 Temporary Restraining Order and its Verified Complaint for Injunctive and a Declaratory
6 Relief NUHS seeks to file its action, motion, and supporting documentation under seal
7 with this Honorable Court.

8 2. NUHS submits that—for the reasons set forth in its Emergency Ex Parte
9 Motion for Temporary Restraining Order and its Verified Complaint for Injunctive and
10 Declaratory Relief—compelling reasons exist under *Kamakana v. City & Cnty. of*
11 *Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006), Fed. R. Civ. P. Rule 26(c), and
12 LRCiv. 5.6 and 5.7, for entry of an order granting NUHS leave to file those actions under
13 seal with this Honorable Court.

14 3. Specifically, and as stated in detail within NUHS’s Emergency Ex Parte
15 Motion for a Temporary Restraining Order, NUHS alleges that CCE violated NUHS’s
16 common law due process rights and failed to follow its own policies and procedures in
17 connection with CCE’s imposition of the sanction of Probation and that CCE’s public
18 disclosure of the wrongfully imposed sanction will cause immediate irreparable harm to
19 NUHS, its students, prospective students, and faculty.

20 4. NUHS seeks initial *ex parte* relief because advance public disclosure or
21 notice of the requested relief would cause irreparable harm to NUHS would frustrate
22 prosecution of NUHS’s actions, which are sought to be filed under seal in the instant
23 motion. NUHS incorporates by reference as though set forth fully herein its
24 Memorandum in Support of its Emergency Ex Parte Motion for Temporary Restraining
25 Order and the declaration and exhibits attached thereto, which will be hand delivered to
26 the Court.

27 5. Therefore, NUHS requests that the case be sealed and all documents filed in
28 the case remain sealed while this Honorable Court decides the issues of CCE’s violation

1 of NUHS's common law due process rights on the merits.

2 6. Further, NUHS only seeks to seal such information for a limited period of
3 time—until after NUHS is able to obtain a dispositive ruling on its actions, which are
4 based on its claims that CCE violated NUHS's common law due process rights. Once the
5 Court enters a dispositive ruling (in favor or against NUHS), sealing of the actions will
6 no longer be necessary.

7 7. Pursuant to Fed. R. Civ. P. 26(c)(1) and LRCiv. 5.6 and 5.7, NUHS
8 respectfully moves this Honorable Court for the entry of an Order permitting it to file
9 under seal (a) the instant motion; (b) Emergency Ex Parte Motion for Temporary
10 Restraining Order; (c) NUHS's Verified Complaint for Injunctive and Declaratory
11 Relief; and (d) all other papers in this action.

12 8. A proposed order accompanies the instant motion.

13
14 Date: May 23, 2018

Respectfully submitted,

/s/ Brian R. Booker

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*Counsel for Plaintiff National University of
Health Sciences*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2018, I caused a true copy of the foregoing to be served by US Mail, postage pre-paid and electronic mail on the following:

Craig Little, D.C., M.Ed.
President
The Council on Chiropractic Education
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/s/ Brian R. Booker
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
Phoenix Division

<p>National University of Health Sciences,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>The Council on Chiropractic Education, Inc.,</p> <p style="text-align: center;">Defendant.</p> <hr style="width: 80%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No.: _____</p> <p>ORDER RULING ON</p> <p>PLAINTIFF’S EMERGENCY</p> <p>EX PARTE MOTION FOR</p> <p>LEAVE TO FILE ACTION</p> <p>UNDER SEAL</p>
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This matter coming to be heard on Plaintiff National University of Health Sciences (“NUHS”) Emergency Ex Parte Motion for Leave to File Action Under Seal, pursuant to Fed. R. Civ. P. 26(c)(1) and LRCiv. 5.6 and 5.7:

IT IS HEREY BY ORDERED:

1. NUHS is granted leave to file its Verified Complaint for Injunctive and Declaratory Relief and Emergency Ex Parte Motion for Temporary Restraining Order under seal;

2. All submissions for filing to the Court in connection with this action shall remain under seal until such a time that the Court determines sealing of the action and

1 documents filed therein is no longer necessary;

2 3. This finding is based on the facts set forth in NUHS's Emergency Ex Parte
3 Motion for Leave to File Action Under Seal, NUHS's Verified Complaint for Injunctive
4 and Declaratory Relief, and NUHS's Emergency Ex Parte Motion for Temporary
5 Restraining Order and declaration and exhibits attached thereto.

6
7 Dated: _____

8 _____
9 United States District Court Judge