

1 information of employees of both Parler and Defendant Amazon Web Services, Inc. (“AWS”
2 or “Amazon”).

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4 The Defendant’s own Motion to Seal sets out “compelling” reasons why redaction is
5 “necessary to protect [AWS employees’] safety and security and to prevent potential
6 harassment.” AWS Motion (Dkt. No. 15) at 2.

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8 These reasons also apply to the Plaintiff’s employees. As with AWS, Parler’s
9 company and employees have developed well-founded concerns for their safety and well-
10 being as many of them have been harassed and threatened in the aftermath of both AWS’s
11 highly publicized rejection of Parler from its online hosting services and the instant lawsuit
12 which followed. The open hostility directed at employees on both sides of this highly divisive
13 dispute justifies an order protecting all such employees, other than those who choose to
14 identify themselves, from the potential harassment, threats, and even potential danger that
15 may result if their identifying information were to become public.¹

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19 Unredacted copies of the five exhibits and one declaration have therefore been filed
20 under seal.

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22 **FACTS**

23 As described in much greater detail in the pleadings, this suit arose from AWS’s
24 decision, late last week, to abruptly terminate its AWS Customer Agreement by which it had
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28 ¹ Pursuant to LCR 5(g)(3)(A), undersigned counsel certifies that on January 11 and 12, 2021, Parler’s counsel,
29 David Groesbeck, conferred by telephone with AWS’s counsel, Ms. Ambika Doran, to attempt to reach agreement
30 on this motion as well as Defendant’s own motion to seal, which was granted by this Court on January 14, 2021.
(Dkt. No. 15). Counsel did not reach a definitive agreement, but agreed in principle to redact information relating
to employees of both Plaintiff and Defendant.



1 contracted to provide online hosting services to Parler. Plaintiff's Verified Complaint
2 ("Complaint") (Dkt. No. 1) ¶ 3. This decision was highly publicized, not only because it
3 occurred in the wake of the Capitol Hill riot, but also because AWS both blamed the rift on
4 supposed failures in Parler's already controversial content moderation policies, and aired the
5 dispute in the court of public opinion by leaking its termination message to the media. *Id.* at ¶¶
6 21, 28-29. As AWS recognizes in its own motion to seal, the social turmoil swirling around
7 this dispute has sometimes been acute and troubling.
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10 Although AWS's motion to seal focuses only on its own employees, Parler's
11 employees have been similarly harassed and threatened. Parler's CEO, John Matze, Jr.,
12 reports in his declaration in support of Parler's TRO motion that many Parler employees are
13 suffering harassment and hostility, fear for their safety and that of their families, and in some
14 cases have fled their home state to escape persecution. Matze Decl. ¶ 19. Matze himself, as
15 the CEO of the company AWS continues to vilify, has had to leave his home and go into
16 hiding with his family after receiving death threats and invasive personal security breaches.
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19 *Id.*
20

21 Recognizing the highly charged nature of this public and polarizing dispute, Parler
22 wishes to protect the privacy of those employees, whether of Parler or Amazon, whose names
23 or personal information appear in documents on which Parler relies. Specifically, Parler seeks
24 to place under seal:
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- 27 • Declaration of John Matze, Jr., mentioning both an AWS employee and a
28 Parler employee by name, and indicating his geographical location in the
29 declaration's signature block
30



- Exhibit A: 12/16/2020 email from an Amazon employee to Parler
- Exhibit D: screenshot of a tweet from Ashli Babbitt’s account
- Exhibit E: 9/3/2020 email from an Amazon employee to Matze
- Exhibit F: text messages between Matze and an Amazon employee
- Exhibit G: 1/6/2021 email between Amy Peikoff, Parler’s Chief Policy Officer, and another Parler employee

Like most evidence, this declaration and these exhibits help to apportion responsibility and culpability in this litigation, and hence may pose a danger to those individuals whose personal information would otherwise be readily available in public filings in what is already highly publicized and divisive lawsuit. Parler therefore seeks to protect these individuals from unwanted and potentially dangerous harassment.

ARGUMENT

Because the public interest in disclosure and access to court records is not absolute, “sufficiently compelling reasons” may override that interest. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). Although the trial court has discretion to determine compelling reasons, *Nixon v. Warner*, 435 U.S. 589, 598 (1978), protecting the safety and well-being of a person whose information might otherwise be disclosed has frequently been recognized as a reason sufficiently compelling as to override the presumption for disclosure. *See, e.g., United States v. Harris*, 890 F.3d 480, 491-92 (4th Cir. 2018) (recognizing as a compelling reason the protection of the physical and psychological well-being of individuals involved in the litigation); *Flynt v. Lombardi*, 885 F.3d 508, 511-12 (8th



1 Cir. 2018) (finding compelling reasons to protect individuals’ identities to prevent threats to
2 personal safety and harassment).

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4 Both sides of this dispute have shown that their employees have suffered real
5 harassment and threats—including, on both sides, death threats—owing to the charged nature
6 of this litigation. Parler therefore agrees with AWS that safety and security concerns justify
7 the limited sealings requested here. As AWS has already argued in its own motion, the
8 public’s interest in the judicial process will not be harmed by protecting the identifying
9 information of company employees from being widely disseminated, especially because, aside
10 from such information, the content of all the proffered exhibits and declarations remains
11 intact.
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15 **CONCLUSION**

16 For the foregoing reasons, the Court should seal that identifying information that has
17 been redacted in the exhibits and declaration listed above. Parler’s Motion to Seal should be
18 granted.
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20 Dated: January 15, 2021.

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22 Respectfully submitted,

23
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