

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DOYLE LEE HAMM,]
]
 Plaintiff,]
]
 v.]
]
 JEFFERSON S DUNN, COMMISSIONER,]
 ALABAMA DEPARTMENT OF]
 CORRECTIONS;]
 CYNTHIA STEWART, WARDEN,]
 HOLMAN CORRECTIONAL FACILITY;]
 LEON BOLLING, III, WARDEN,]
 DONALDSON CORRECTIONAL FACILITY;]
 OTHER UNKNOWN EMPLOYEES AND]
 AGENTS, ALABAMA DEPARTMENT OF]
 CORRECTIONS]
]
 Defendants.]

2:17-cv-02083-KOB

ORDER GRANTING MOTION TO INTERVENE

This matter is before the court on the Press Movants’ “Motion to Intervene and Unseal Judicial Records.” (Doc. 107). The Press Movants are three media entities (Advance Local Media LLC, the *Montgomery Advertiser*, and The Associated Press), which seek to intervene and unseal “the judicial records, transcripts, and briefs in this case discussing Alabama’s execution protocols.” (*Id.*). The court GRANTS the Press Movants’ motion to intervene, but RESERVES RULING on their motion to unseal judicial records.

The court recognizes that “[t]he press has standing to intervene in actions to which it is otherwise not a party . . . to petition for access to court proceedings and records.” *In re Petition of the Tribune Co.*, 784 F.2d 1518 (11th Cir. 1986). Federal Rule of Civil Procedure 24 provides:

On timely motion, the court must permit anyone to intervene who:

...

- (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.


Fed. R. Civ. P. 24(a)(2).

First, the court finds that, even though the court has already dismissed this case pursuant to the parties' joint stipulation of dismissal, the Press Movants' motion is timely. The court entered the Agreed Confidentiality Order at issue on January 30, 2018, just over two months ago, and closed the case just hours before the Press Movants filed their motion.

The court also finds that the Press Movants satisfy the other requirements for intervention as of right. The Press Movants claim an interest in this case because it centers on "a matter of intense public interest: the method by which the State of Alabama exercises the power to put people to death." (Doc. 108 at 7). The court agrees. The court also finds that the existing parties do not adequately represent the interests of the Press Movants, which seek the information "to vindicate the public's right of access to the records." (*Id.*).

For those reasons, the court GRANTS the Press Movants' motion to intervene. But the court RESERVES RULING on the motion to unseal judicial records.

DONE and **ORDERED** this 30th day of March, 2018.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE