

The D.C. Circuit has consistently employed the six-factor “Hubbard test”¹ when determining whether the common-law right of access to judicial records requires those records to be made available to the public for copying and inspection. At this stage of the present case, the Court is unable to weigh all factors of the Hubbard test because some factors are presently unknown. Specifically, “(6) the purposes for which the documents were introduced during the judicial proceedings.” *Leopold v. United States*, 964 F. 3d 1121, 1131 (D.C. Cir. 2020)(quoting *Metlife, Inc. v. Fin. Stability Oversight Council*, 865 F. 3d 661, 665 (D.C. Cir. 2017). Currently, any release of video evidence without restriction poses a threat of prejudice to the Defendant’s proceedings.

Respectfully submitted this the 13th day of December, 2022.

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¹ The Hubbard test balances the following factors: “(1) the need for public access to the documents at issue; (2) the extent of previous public access to the documents; (3) the fact that someone has objected to disclosure, and the identity of that person; (4) the strength of any property and privacy interests asserted; (5) the possibility of prejudice to those opposing disclosure; and (6) the purposes for which the documents were introduced during the judicial proceedings.” *Leopold v. United States*, 964 F. 3d 1121, 1131 (D.C. Cir. 2020)(quoting *Metlife, Inc. v. Fin. Stability Oversight Council*, 865 F. 3d 661, 665 (D.C. Cir. 2017).

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2022 I electronically filed the foregoing with the Clerk of Court using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached service list in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic filing.

Dated: December 13, 2022

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