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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Leanna Smith,

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No. CV 10-01632-PHX-FJM

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Plaintiff,

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ORDER

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vs.

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Barrow Neurological Institute of St.)
Joseph's Hospital and Medical Center, et
al.,

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Defendants.

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The court has before it defendants Banner Health System and Scott Elton, M.D.'s ("Banner defendants") motion to require plaintiff to post bond (doc. 108), joinder on behalf of Dignity Health defendants (doc. 112), plaintiff's response (doc. 113), plaintiff's response to joinder (doc. 117), plaintiff's amended response to joinder (doc. 118), and Banner defendants' reply (doc. 116). Defendants contend that plaintiff should be required to post a \$100,000 bond to cover attorneys' fees if defendants prevail in this action.

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There is no rule or statute specifically governing the posting of a security bond for attorneys' fees. LRCiv 54.1(c) permits us to order plaintiff to give security for the costs of the action, but this applies only if the plaintiff is not an Arizona resident. No such showing has been made here.

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We also have before us plaintiff's motion to file exhibits to response to motion for bond under seal (doc. 114) and plaintiff's motion to file exhibits to the response to the joinder

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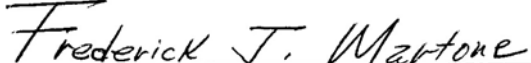
1 in motion for bond under seal (doc. 119). Plaintiff filed the exhibits as lodged proposed
2 documents. In the protective order issued June 28, 2011, Judge Campbell ordered the parties,
3 when attaching confidential information as exhibits, to "seek an order from the Court sealing
4 the records, setting forth reasons supported by specific factual findings for why such
5 pleadings, motions, or exhibits shall be sealed" pursuant to LRCiv 5.6 and Pintos v. Pacific
6 Creditors Ass'n, 504 F.3d 792 (9th Cir. 2007). (Doc. 69 ¶ 3). Plaintiff fails to support her
7 request with specific factual findings. She fails to comply with the protective order, LRCiv
8 5.6(b), and Pintos.

9 **IT IS ORDERED DENYING** defendants' motion to require plaintiff to post bond
10 (doc. 108).

11 **IT IS ORDERED DENYING** plaintiff's motions to file exhibits under seal (docs.
12 114 and 119).

13 This case was reassigned to the undersigned on March 16, 2012. It is already 18
14 months old. Judge Campbell's case management order is more than adequate to bring this
15 case to a conclusion. (Doc. 104). There will be no extensions granted to the deadlines in the
16 order. We invite early dispositive motions. All records of the juvenile proceeding shall be
17 shared no later than March 31, 2012. The parties shall file a joint status report no later than
18 April 20, 2012.

19 DATED this 21st day of March, 2012.

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23 Frederick J. Martone
24 United States District Judge
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