

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 16-1261-KK**

Date: March 24, 2017

Title: ***Randy Conan, et al. v. City of Fontana, et al.***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

DEB TAYLOR

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: Order Denying Plaintiffs' Disguised Motion Challenging Confidentiality [Dkt. 49]

Plaintiffs Randy Conan and Xylina Conan (“Plaintiffs”) filed an “Application for Leave to File Items Under Seal” (“Application”), wherein they seek to have the Application denied and “the material deemed public and not protected by any order.” ECF Docket No. (“Dkt.”) 49. The Court finds the Application is a disguised motion challenging Defendants’ designation of the video from defendant Joshua Patty’s body camera as “Confidential” pursuant to the terms of the Protective Order issued on December 8, 2016. See dkts. 33, 34.

Pursuant to the terms of the Protective Order, any “application or motion to the Court challenging a party’s designation of material as confidential material . . . must be brought in strict compliance with Local Rules 37-1 and 37-2 (including the Joint Stipulation requirement).” Dkt. 33 ¶ 10. Plaintiffs have not complied with Local Rule 37-2, nor does the Application seek leave to file the video under seal in support of a motion challenging the confidentiality designation.

Hence, the Court denies the Application without prejudice and without lifting the confidentiality designation. The video shall remain “Confidential” pursuant to the Protective Order and shall not be filed in the public record until the parties agree otherwise or the Court issues a different order after a properly filed motion challenging the designation. If Plaintiffs wish

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to file the confidential material under seal in support of a motion challenging the confidentiality designation, they must file an appropriate application pursuant to Local Rule 79-5.2.2(b).

IT IS SO ORDERED.