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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTHA RIVERA, et al.,
Plaintiffs,
v.
NIBCO INC, et al.,
Defendants.

Case No. 1:99-cv-06443-JLT-HBK
ORDER DIRECTING DEFENDANT TO FILE
LIMITED SURREPLY
APRIL 19, 2024 DEADLINE
ARGUMENT: MAY 16, 2024 at 10:00 A.M.

Pending before the Court is the Administrative Motion to Unseal Certain Filing filed on January 29, 2024 by Christopher Ho, former counsel for the plaintiffs. (Doc. No. 794, “Motion”). Defendant Nibco filed a Response to the Motion, in which it does not oppose to the unsealing of the requested documents, but conditions to do so on extensive redactions, each of which it contends are supported by “good cause.” (See Doc. No. 802). In Reply, Ho asserts that Defendant’s proposed redactions must be justified under the more demanding “compelling reasons” standard to rebut the presumption of public access to documents related to a dispositive motion. (See Doc. No. 807) (citing *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1175 (9th Cir. 2006). Ho also contends that Nibco has already waived protection of many subjects for which it seeks to apply redactions because the issues were discussed in open court at trial, as reflected in trial transcripts attached to the Reply. (Doc. No. 807 at 5-6). Oral argument on the Motion is also requested.

1 To frame the issues for oral argument, the Court directs Nibco to file a brief surreply
2 responding to the following issues:

- 3 1) Whether it agrees or disagrees that the proposed redactions must be justified by
4 “compelling reasons” to rebut the presumption in favor of public access.
5 2) If it agrees, which of its proposed redactions remain justified by compelling reasons,
6 and what are those reasons?
7 3) Given that many of the proposed redactions involve matters that were discussed at
8 trial, why should reference to those matters not now be unsealed?

9 Accordingly, it is **ORDERED**:

- 10 1. Defendant shall file a surreply, addressing the issues above, no later than April 19,
11 2024.
12 2. The Court will hear oral argument on Plaintiffs’ Motion on **Thursday, May 16, 2024**
13 **at 10:00 A.M.** via VIDEO CONFERENCE.

14
15 Dated: April 5, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE