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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**GERALD CARLIN, JOHN RAHM, PAUL  
ROZWADOWSKI and DIANA WOLFE,  
individually and on behalf of themselves and  
all others similarly situated,**

**Plaintiffs,**

**v.**

**DAIRYAMERICA, INC., and  
CALIFORNIA DAIRIES, INC.,**

**Defendants.**

**CASE NO. 1:09-CV-00430 AWI EPG  
ORDER ON DAIRYAMERICA, INC.’S  
REQUEST TO SEAL DOCUMENTS  
AND FILE REDACTED VERSIONS**

(Doc. No. 387)

This matter comes before the Court on Defendant DairyAmerica, Inc.’s (“DairyAmerica”) Request to Seal Documents and File Redacted Versions (the “Request”) pursuant to Local Rules 140 and 141. Having considered the Request, including DairyAmerica’s supplemental briefing (Doc. No. 404), the Court will grant in part and deny in part DairyAmerica’s Request.

On April 14, 2017, the Court requested that DairyAmerica provide supplemental briefing on whether information that appeared public on its face should be sealed. Doc. No. 396. On April 20, 2017, DairyAmerica submitted supplemental briefing explaining that Plaintiffs’ counsel designated the materials in question as “CONFIDENTIAL” under the protective order in this case,

1 and on that basis, DairyAmerica conditionally submitted the same under seal.<sup>1</sup> Doc. No. 404.

2 Further, DairyAmerica stated that it has no objection to publicly filing Exhibits E-G and I-L to the  
3 Declaration of Sanjay M. Nangia (“Nangia Decl.”), and references thereto, which it identifies as:

- 4 1. Exhibit E to the Nangia Decl. is a letter produced by Plaintiff Gerald Carlin directed to  
5 members of the Senate and Congress;
- 6 2. Exhibit F to the Nangia Decl. is a document produced by nonparty the National Family  
7 Farm Coalition (“NFFC”) appearing to be a press release;
- 8 3. Exhibit G to the Nangia Decl. is a document produced by NFFC appearing to be  
9 testimony of Plaintiff Paul Rozwadowski provided at a hearing to review USDA dairy  
10 programs;
- 11 4. Exhibit I to the Nangia Decl. is a document produced by nonparty Peter Hardin  
12 appearing to be the November 2006 issue of *The Milkweed*;
- 13 5. Exhibit J to the Nangia Decl. is a document produced by Peter Hardin appearing to be  
14 the February 2007 issue of *The Milkweed*;
- 15 6. Exhibit K to the Nangia Decl. is a document produced by nonparty *The Milkweed*  
16 appearing to be the March 2007 issue of *The Milkweed*; and
- 17 7. Exhibit L to the Nangia Decl. is a document produced by Peter Hardin appearing to be  
18 the April 2007 issue of *The Milkweed*.

19 As of the date of this order, Plaintiffs have not filed any response to DairyAmerica’s  
20 supplemental briefing, nor have Plaintiffs requested permission from the Court to do so.

21 Therefore, based on DairyAmerica’s statements to this Court and given the lack of any dispute  
22 from Plaintiffs, the Court will deny DairyAmerica’s Request to seal Exhibits E-G and I-L to the  
23 Nangia Decl., including references to same in its opposition brief, but will grant DairyAmerica’s  
24 Request as to all other information it seeks to file under seal.

25 **ORDER**

26 Accordingly, IT IS HEREBY ORDERED that:

27 1. DairyAmerica’s Request to seal Exhibits E-G and I-L to the Nangia Decl.,  
28 including references to same in its opposition brief, is DENIED;

2. DairyAmerica’s Request as to the remaining information it seeks to file under seal  
is GRANTED;

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<sup>1</sup> The Court reminds the parties to exercise care when producing documents as “CONFIDENTIAL,” since only information that qualifies under the appropriate standards should be designated as such.

1           3.     The Clerk is directed to file unredacted versions of the following documents under  
2 seal:

3           a.     DairyAmerica's Opposition to Plaintiffs' Motion for Leave to File Fourth  
4 Amended Consolidated Class Action Complaint;

5           b.     Declaration of Sanjay M. Nangia in Support of DairyAmerica's Opposition  
6 to Plaintiffs' Motion for Leave to File Fourth Amended Consolidated Class Action Complaint,  
7 including Exhibits A-T;

8           c.     Declaration of Jean McAbee in Support of DairyAmerica's Opposition to  
9 Plaintiffs' Motion for Leave to File Fourth Amended Consolidated Class Action Complaint,  
10 including Exhibits A-E;

11          4.     Upon entry of this Order and after the Clerk has filed the unredacted documents  
12 under seal, Defendant DairyAmerica will file redacted versions of the above documents directly  
13 via CM/ECF within ten days from this Order; and

14          5.     DairyAmerica shall revise its proposed redactions and file redacted versions of its  
15 Opposition to Plaintiffs' Motion for Leave to File Fourth Amended Consolidated Class Action  
16 Complaint and the Declaration of Sanjay M. Nangia that are consistent with this order.<sup>2</sup>

17 IT IS SO ORDERED.

18 Dated: April 24, 2017

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20 SENIOR DISTRICT JUDGE

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<sup>2</sup> DairyAmerica has already served counsel for Plaintiffs with copies of the unredacted documents. Only the Court and its staff shall have access to the unredacted documents.