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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER OLNEY, individually and on behalf of all others similarly situated, Case No. 1:12-cv-01724-LJO-SKO

Plaintiff,

**ORDER DENYING AS MOOT
PLAINTIFF'S REQUEST TO SEAL**

v.

(Docket No. 153)

JOB.COM, and WINDY CITY CALL
CENTER, LLAC

Defendants,

_____ /

On July 7, 2014, Peter Olney (Plaintiff") filed a Notice of Request to Seal Documents. (Doc. 153.) Plaintiff wishes to seal Exhibit 1, which is an audio CD, which Plaintiff received from Defendant Job.com during the course of discovery. The CD was marked "confidential" pursuant to a private confidentiality agreement among the parties. The parties currently dispute whether the CD was appropriately marked confidential pursuant to the agreement. The parties' discovery dispute regarding the confidentiality designation is set to be heard on July 30, 2014. Plaintiff has submitted the CD to the Court to be considered as part of the discovery dispute.

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The Court's electronic filing system, CM/ECF does not have the capability to upload or otherwise "file" an audio CD. As a result, the CD will not be publicly available and has been lodged with the Court for purposes of the discovery motion only. As the CD is not capable of being "filed" on the docket and it will be lodged only, there is nothing for the Court to "seal."

Accordingly, Plaintiff's motion to seal is DENIED as moot.

IT IS SO ORDERED.

Dated: July 17, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE