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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATIONAL ASSOCIATION OF
OPTOMETRISTS & OPTICIANS;
LENSCRAFTERS, INC; and EYE
CARE CENTERS OF AMERICA, INC.,

NO. CIV. S-02-1464 LKK/DAD

Plaintiffs,

v.

O R D E R

EDMUND G. BROWN, JR., in his
official capacity as Attorney
General of the State of
California; and CARRIE LOPEZ
in her official capacity as
Director of the Department of
Consumer Affairs,

Defendants.

_____ /

On April 28, 2010, the court issued a proposed sealing order
in this case. The order gave the parties fourteen (14) days to file
objections to the proposed sealing order. No objections have been
filed.

The court's proposed sealing order, which is now adopts, is
the following:

1 The court is persuaded that compelling reasons
2 support the sealing of LensCrafters' revenue and
3 financial data that are not known to its competitors or
4 to the public. This data constitutes proprietary
5 information. Nonetheless, the documents which the
6 parties request be sealed far exceed the mere recitation
7 of revenue and financial data. This is especially so in
8 the tentatively sealed briefs filed in this case.

9 In order to make public most of the information
10 involved in these dispositive motions, the court intends
11 to order parties to electronically file¹ all tentatively
12 sealed documents redacting any references to or analysis
13 of LensCrafters' revenue and financial data from which
14 the proprietary data could be determined. All publically
15 available data and most analysis should remain. Only the
16 numerical data and any analysis from which a reader
17 could deduce the numerical data shall be redacted. Upon
18 this court's receipt of these redacted filings, the
19 court will decide whether the redaction exceeds the
20 narrow bounds of this request. The parties will be
21 cautioned to narrowly interpret the extent of their
22 redactions as this court intends to make public as much
23 information as is appropriate under the circumstances.

24 For the foregoing reasons, the court orders as follows:

- 25 (1) The parties shall re-file their tentatively sealed
26 documents in the following manner: Mail two compact
discs ("CDs") to the Clerk of Court. The first CD should
be labeled "Sealed Filings," and include complete PDF
versions of all sealed documents. The second CD should
be labeled "Redacted Filings," and include redacted PDF
versions of all sealed documents. With each CD, the
parties shall enclose a letter listing all the documents
on each CD. This list shall include a short title for
the document, the file name for the document, as saved
on the CD, and the date upon which the document was

¹ The parties are instructed to refer to the specific instructions below as to the proper mechanism for filing.


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initially filed. The CDs and the letters shall also include the case number and party name. Please direct any questions concerning the filing of the sealed documents to Ana Rivas, Courtroom Deputy, at (916) 930-4133.

(2) The parties shall file the sealed documents as described above within seven (7) days of the issuance of this order.

IT IS SO ORDERED.

DATED: June 2, 2010.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT