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

GREGORY JOHNSON, WILLIAM
RODWELL AND EDWARD RANGEL,

Plaintiffs,

v.

CLAIR R. COUTURIER, JR., DAVID R.
JOHANSON, ROBERT E. EDDY AND
THE NOLL MANUFACTURING
COMPANY EMPLOYEE STOCK
OWNERSHIP PLAN AND TRUST,

Defendants.

Case No. 2:05-CV-02046 WBS-KJN

Hon. Kendall J. Newman

**ORDER GRANTING DEFENDANT
CLAIR COUTURIER'S MOTION
TO MODIFY THE PROTECTIVE
ORDER**

1 **ORDER**

2 Defendant Clair R. Couturier, Jr., a party to the protective order entered on
3 February 22, 2006 (ECF No. 24) (“Protective Order”), has moved to modify, or in
4 the alternative, vacate the Protective Order. (ECF No. 798.) A hearing on the
5 motion was noticed for May 17, 2018. (Id.) In accordance with Local Rule
6 230(c), any opposition to the motion was due fourteen (14) days prior to the
7 hearing, i.e., on May 3, 2018. No opposition to the motion was filed.

8 In his motion, defendant Couturier essentially requests modification of the
9 Protective Order to allow him to use documents produced subject to the Protective
10 Order in a Tax Court Proceeding he initiated against the Internal Revenue Service.
11 According to the motion, plaintiffs’ counsel authorized Mr. Couturier’s counsel to
12 state that plaintiffs have no objections to the proposed modifications, but would
13 object to vacating the Protective Order. Counsel for defendant Johanson
14 purportedly represented that Mr. Johanson had no position on the relief sought.
15 According to Mr. Couturier’s counsel, he received no reply from counsel for the
16 defendant corporate entities TEOHC Corporation, Noll Manufacturing Company,
17 Inc., and Noll Manufacturing Company Employee Stock Ownership Plan and
18 Trust, which have all been dissolved. Additionally, defendant Robert Eddy died in
19 2010, and there is apparently no known counsel representing his interests.


1 In light of counsel for defendant Couturier's representations and the failure
2 of any party to file an opposition to defendant Couturier's noticed motion, the
3 court finds it appropriate to submit the motion without a hearing pursuant to Local
4 Rule 230(g) and grant the motion.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The May 17, 2018 hearing is VACATED.
- 7 2. Defendant Couturier's motion to modify the protective order (ECF No.
8 798) is GRANTED.
- 9 3. The Protective Order is modified (1) to include the Internal Revenue
10 Service, its employees, and its agents as parties who may receive
11 documents designated "Confidential" or "Attorney's Eyes Only"
12 pursuant to the protective order and (2) to include the United States Tax
13 Court proceeding entitled *Couturier v. Commissioner*, Case No. 019714-
14 16 (filed September 7, 2016), as a proceeding in which such materials
15 may be used pursuant to the protective order.

16 IT IS SO ORDERED.

17 Dated: May 11, 2018

18 
19 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE