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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT MITCHELL, et al.,

Plaintiffs,

No. 2:08-cv-1196 TLN EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiffs are state prisoners proceeding with counsel in an action brought under 42 U.S.C. § 1983. On September 17, 2012, the undersigned approved the parties’ Stipulated Protective Order, which permits the parties to in good faith, designate as confidential any discovery responses “that might compromise the safety or security of a prison or prisoner.” Dckt. No. 123 (“Protective Order”) § A. Plaintiffs now move to remove defendants’ confidentiality designations from certain pages of the Kelly Harrington deposition transcript, or alternatively, to modify the terms of the Protective Order. Dckt. No. 185¹; *see also* Protective Order § B(10)(b) (reserving the right of any party to apply to the court for an order removing the confidential material designation from any documents).

_____ ¹ Plaintiffs also filed a motion to seal the documents submitted in support of the above-referenced motion. Dckt. No. 184.

1 On June 5, 2013, the court heard plaintiffs' motion. Attorney Julianne Mossler appeared
2 at the hearing on behalf of defendants; attorney Rebekah Evenson appeared on behalf of
3 plaintiffs. As stated on the record and for the reasons stated on the record, it is hereby
4 ORDERED that:

5 1. Plaintiffs' request to remove the confidentiality designation from pages 362-367, and
6 369 of Mr. Kelly Harrington's March 12, 2013, deposition transcript, as well as accompanying
7 exhibits 238 and 241 (Dckt. No. 185) is: (a) granted as to pages 362-367, and 369 and Exhibit
8 238; and (b) denied as to Exhibit 241. Thus, pages 362-367, and 369 and Exhibit 238 are not
9 confidential and not covered by the Protective Order; Exhibit 241 is confidential and is covered
10 by the Protective Order. Plaintiffs' request to submit Exhibit 241 to the state court under seal
11 (Dckt. No. 185) is also denied.

12 2. In accordance with the above, plaintiffs' request to seal (Dckt. No. 184) is: (a) denied
13 as to the unredacted request to remove the confidentiality designations and Exhibits A and B
14 thereto; and (b) granted as to Exhibit C thereto. The Clerk of Court is directed to file under seal
15 Exhibit C.

16 DATED: June 6, 2013.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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