IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLE ALFANO, et al.,

Plaintiffs, No. CIV S-08-1704 JAM DAD

v.

BRP INC., et al.,

Defendants. ORDER

________________________________/

This case came before the court on April 9, 2010, for hearing on plaintiff's motion to compel production of documents. The motion was granted in part. The order signed by the undersigned on April 9, 2010 provides that

> [w]ithin twenty days from the date of the hearing, defendants shall serve on plaintiffs' counsel an affidavit of search describing in reasonable detail the records that were searched and the scope of the search, including any limitations or interpretations imposed by defendants on the search, in producing documents in response to Request No. 20 of plaintiff's first set of requests for production of documents.

(Doc. No. 63, Order filed Apr. 12, 2010, at 1 (emphasis added).) Defendants have filed a document titled "Affidavit of Search Related to Request for Production No. 20, Pursuant to Court Order Dated April 9, 2010," and a request to permanently seal a document cited in that affidavit.

Defendants were not ordered to file a copy of the affidavit they were required to serve pursuant to the court's April 9, 2010 ruling. Absent a specific court order to the contrary, no discovery document is to be filed with the court unless and until there is a proceeding in which the document is at issue. See Local Rules 250.2, 250.3, 250.4, and 250.5. At the present time, there is no proceeding in which defendants' affidavit of search is at issue.

Accordingly, IT IS ORDERED that:

1. Defendants' April 29, 2010 affidavit (Doc. No. 71) will be disregarded;

2. Defendants' May 3, 2010 request to file a document under seal (Doc. No. 72) is denied; and

3. Within five days after this order is served, defendants' counsel shall contact Pete Buzo, courtroom deputy to the undersigned, at (916) 930-4128, to make arrangements for the return, destruction, or other disposition of the court's copies of the document that was submitted to the court for filing under seal.

DATED: May 6, 2010.

Dale A. Drozd

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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