

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CHRISTINA MITCHELL, et al.,

Plaintiffs,

No. CIV S-09-2241 CKD

vs.

SKYLINE HOMES,

Defendant.

ORDER

_____ /

Defendant’s motion to retain the confidentiality of documents produced in discovery (dkt. no. 158) is pending before the court. The parties have submitted a letter brief on the issue as directed by the court’s November 15, 2011 order. Upon review of the letter brief, and good cause appearing, THE COURT FINDS AS FOLLOWS:

In conjunction with plaintiffs’ further briefing on a motion for sanctions (dkt. 150, 151), plaintiffs submitted a document (Scarlett Decl., Exh. C, dkt. no. 151-3) produced by defendant during discovery, which was designated by defendant as “confidential” under the protective order previously entered in this action. Plaintiff filed a notice of request to seal (dkt. no. 152) but contested the propriety of maintaining the confidentiality of the document, despite its readily apparent confidential, proprietary nature. Now six weeks after that filing, and after defendant was forced to engage in motion practice and briefing on the issue, the letter brief indicates that plaintiffs’ counsel informed defendant’s counsel the day the letter brief was due

1 that plaintiffs do not oppose the motion to retain confidentiality.

2 The protective order (dkt. no. 71) provides detailed procedures for meeting and
3 conferring regarding challenges to confidentiality designations and for appropriate judicial
4 intervention thereafter if the parties cannot resolve the issue. It appears that plaintiffs' counsel
5 would benefit from a careful study of that document. Also commended to plaintiffs' counsel's
6 reading are the provisions of 28 U.S.C. § 1927.

7 The court reviewed Exhibit C in conjunction with disposition of the motion for
8 sanctions. The document shall accordingly be made a part of the record, but shall be filed under
9 seal.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The motion to retain confidentiality (dkt. no. 158) is granted.

12 2. Exhibit C to the Scarlett declaration (dkt. no. 151-3) shall be filed under seal.

13 The request to seal and exhibit, having been previously submitted to the undersigned's proposed
14 orders e-mail box as provided under Local Rule 141(b), shall be filed under seal by the Clerk of
15 Court. Notwithstanding the provisions of Local Rule 141(e)(2)(i), no further submission is
16 required by plaintiff.

17 Dated: December 1, 2011

18 
19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

21 ⁴
22 mitchell11.tea