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 12 *Attorneys for Plaintiffs and Co-lead Interim Class Counsel*

13
 14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

17 KYLE DEI ROSSI and MARK LINTHICUM,
 on behalf of themselves and those similarly
 18 situated,

19 Plaintiffs,

20 v.

21 WHIRLPOOL CORPORATION,

22 Defendant.

Case No. 2:12-CV-00125-TLN-CKD

**PLAINTIFFS' NOTICE OF REQUEST,
 REQUEST TO SEAL DOCUMENTS IN
 SUPPORT OF CLASS CERTIFICATION
 REPLY BRIEF, OPPOSITION TO
 MOTION TO STRIKE THE
 DECLARATION OF COLIN B. WEIR,
 AND ORDER**

Date: January 15, 2015
 Time: 2:00 p.m.
 Courtroom: 2

Honorable Troy L. Nunley

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 NOTICE IS HEREBY GIVEN THAT Plaintiffs Kyle Dei Rossi and Mark Linthicum
3 (Plaintiffs”) file this request pursuant to Local Rule 141 for leave to file certain confidential
4 documents under seal in conjunction with Plaintiffs’ Reply in Support of Their Motion for Class
5 Certification and Plaintiffs’ Opposition to Defendant’s Motion to Strike the Declaration of Colin B
6 Weir, both motions will be heard on January 15, 2015. The documents that incorporate confidential
7 information are:

- 8 • Plaintiffs’ Reply in Support of Motion for Class Certification at pages 1:25-2:7, 2:18-19,
9 3:12-18, 3:25-28, 4:17-19, 5:19-6:5, 10:13-14;
- 10 • Plaintiffs’ Memorandum of Points and Authorities in Opposition to Motion to Strike the
11 Declaration of Colin B. Weir at pages 11:3-4, 12:12-16, 12:20-26, 13:11-17, 13:24-25, 14:3-
12 7, 14:9-11, 14:16-15:1, 15:6-12, 15:17-18, 15:20-24, 15:28-16:6, 16:27-28, 17:7-10, 17:14-
13 17, 18:23-26, and 19:7-10;
- 14 • Paragraphs 41, 42, 43, 50, 60, and 64 of the Reply Declaration of L. Timothy Fisher in
15 Support of Plaintiffs’ Motion for Class Certification and Opposition to Defendant’s Motion
16 to Strike the Declaration of Colin B Weir;
- 17 • Exhibit 36 at pages 328:19-332:16, 331:1-334:8, 334:10-19, 335:6-11, 336:4-25; Exhibit 37
18 at pages 339:21-24, 340:1-2, 340:16-341:22, 345:3-6, 345:19, 345:22-346:4, 347:17-25;
19 Exhibit 39; Exhibit 40; Exhibit 41; Exhibit 44; Exhibit 47 at pages 410:1-24, 411:14-19,
20 412:1-25, 413:16-19, 415:13-416:13, 417:7-418:25, 420:1-4, 420:12-422:25, 425:13-426:25,
21 434:3-8, 439:21-25, 440:10-17; Exhibit 48; Exhibit 57; Exhibit 58; Exhibit 62 to the Reply
22 Declaration of L. Timothy Fisher in Support of Plaintiffs’ Motion for Class Certification and
23 Opposition to Defendant’s Motion to Strike the Declaration of Colin B Weir; and
- 24 • Rebuttal Expert Report of Elizabeth Howlett at pages 3:12, 5:20-7:2, and 10:6-11:11.

25 The above documents contain information designated by Defendant as “Confidential”
26 pursuant to the parties’ Agreement for the Discovery of Confidential Information (“Confidentiality
27 Agreement”). The Confidentiality Agreement is attached hereto as **Exhibit A**. The information is
28 “Confidential Discovery Material” pursuant to Section 1(c) of the Confidentiality Agreement

1 because it is “confidential research, development, or commercial information, within the meaning of
2 Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure.” *See* Confidentiality Agreement, Exh. A
3 at 2. For this reason, Plaintiffs request that the above-listed documents and portions thereof be filed
4 under seal. Defendant Whirlpool Corporation shall have access to the confidential documents.

5 Plaintiffs have submitted this Notice of Request, Request to Seal Documents in Support of
6 Class Certification Reply Brief, Opposition to Motion to Strike the Declaration of Colin B. Weir, the
7 [Proposed] Order, and the documents themselves via electronic mail to the Court. The email has
8 been set to Judge Nunley’s proposed orders email box, with the email subject line including the case
9 number and the statement: “Request to Seal Documents.” Further, this Notice of Request, Request
10 to Seal Documents in Support of Class Certification Reply Brief, Opposition to Motion to Strike the
11 Declaration of Colin B. Weir, and [Proposed] Order have been served on all parties via electronic
12 mail.

13 Dated: November 21, 2014

Respectfully submitted,

14 **BURSOR & FISHER, P.A**

15
16 By: /s/ L. Timothy Fisher
L. Timothy Fisher

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Attorneys for Plaintiffs

1 **ORDER**

2 Having considered Plaintiffs' Request to Seal Documents and the documents labeled
3 "Confidential" pursuant to the parties' Agreement for the Discovery of Confidential Information, the
4 Court GRANTS Plaintiffs' Request to Seal Documents and finds and orders as follows:

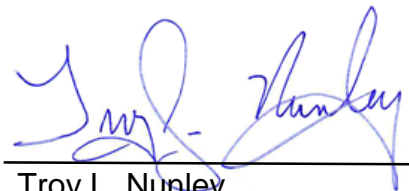
5 The Court finds that the following documents at issue should be filed under seal:

- 6 • Plaintiffs' Reply in Support of Motion for Class Certification at pages 1:25-2:7, 2:18-19,
7 3:12-18, 3:25-28, 4:17-19, 5:19-6:5, 10:13-14;
- 8 • Plaintiffs' Memorandum of Points and Authorities in Opposition to Motion to Strike the
9 Declaration of Colin B. Weir at pages 11:3-4, 12:12-16, 12:20-26, 13:11-17, 13:24-25, 14:3-
10 7, 14:9-11, 14:16-15:1, 15:6-12, 15:17-18, 15:20-24, 15:28-16:6, 16:27-28, 17:7-10, 17:14-
11 17, 18:23-26, and 19:7-10;
- 12 • Paragraphs 41, 42, 43, 50, 60, and 64 of the Reply Declaration of L. Timothy Fisher in
13 Support of Plaintiffs' Motion for Class Certification and Opposition to Defendant's Motion
14 to Strike the Declaration of Colin B Weir;
- 15 • Exhibit 36 at pages 328:19-332:16, 331:1-334:8, 334:10-19, 335:6-11, 336:4-25; Exhibit 37
16 at pages 339:21-24, 340:1-2, 340:16-341:22, 345:3-6, 345:19, 345:22-346:4, 347:17-25;
17 Exhibit 39; Exhibit 40; Exhibit 41; Exhibit 44; Exhibit 47 at pages 410:1-24, 411:14-19,
18 412:1-25, 413:16-19, 415:13-416:13, 417:7-418:25, 420:1-4, 420:12-422:25, 425:13-426:25,
19 434:3-8, 439:21-25, 440:10-17; Exhibit 48; Exhibit 57; Exhibit 58; Exhibit 62 to the Reply
20 Declaration of L. Timothy Fisher in Support of Plaintiffs' Motion for Class Certification and
21 Opposition to Defendant's Motion to Strike the Declaration of Colin B Weir; and
- 22 • Rebuttal Expert Report of Elizabeth Howlett at pages 3:12, 5:20-7:2, and 10:6-11:11.

23 The Clerk of the Court shall file the documents under seal.

24 IT IS SO ORDERED.

25 Dated: November 25, 2014

26 
27 _____
28 Troy L. Nunley
United States District Judge