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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

WHIRLPOOL CORPORATION,

Defendant.

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

**PLAINTIFFS' NOTICE OF REQUEST,  
REQUEST TO SEAL DOCUMENTS IN  
SUPPORT OF OPPOSITION TO  
MOTION TO STRIKE THE REBUTTAL  
EXPERT REPORT OF DR. ELIZABETH  
HOWLETT, AND ORDER**

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

Honorable Troy L. Nunley

PLAINTIFFS' NOTICE OF REQUEST, REQUEST TO SEAL DOCUMENTS IN SUPPORT OF  
OPPOSITION TO MOTION TO STRIKE THE REBUTTAL EXPERT REPORT OF DR. ELIZABETH  
HOWLETT, AND ORDER  
CASE NO. 2:12-CV-00125-TLN-CKD

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’ Opposition to Whirlpool’s Motion to Strike the  
5 Rebuttal Expert Report of Dr. Elizabeth Howlett that is noticed for hearing on January 15, 2015.  
6 The documents that incorporate confidential information are:

- 7 • Plaintiffs’ Memorandum of Points and Authorities in Opposition to Motion to Strike the  
8 Rebuttal Expert Report of Dr. Elizabeth Howlett at 3:14-19, and 3:24-26.
- 9 • Exhibit 1 to the Declaration of Annick M. Persinger in Support of Plaintiffs’ Opposition to  
10 Motion to Strike the Rebuttal Expert Report of Dr. Elizabeth Howlett, excerpts from the  
11 October 15, 2014 deposition of Dr. Carol Scott at 96:1-25.

12 The above documents contain information designated by Defendant as “Confidential”  
13 pursuant to the parties’ Agreement for the Discovery of Confidential Information (“Confidentiality  
14 Agreement”) and in Defendant’s 12/1/2014 Letter regarding the October 15, 2014 Deposition of  
15 Carol A. Scott. The Confidentiality Agreement is attached hereto as **Exhibit A**. The information is  
16 “Confidential Discovery Material” pursuant to Section 1(c) of the Confidentiality Agreement  
17 because it is “confidential research, development, or commercial information, within the meaning of  
18 Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure.” *See* Confidentiality Agreement, Exh. A  
19 at 2. Defendant’s Letter identifying as confidential portions of Dr. Carol Scott’s testimony is  
20 attached hereto as **Exhibit B**. For these reason, Plaintiffs request that the above-listed documents  
21 and portions thereof be filed under seal. Defendant Whirlpool Corporation shall have access to the  
22 confidential documents.

23 Plaintiffs have submitted this Notice of Request, Request to Seal Documents in Support of  
24 Plaintiffs’ Opposition to Motion to Strike the Rebuttal Expert Report of Dr. Elizabeth Howlett, the  
25 [Proposed] Order, and the documents themselves via electronic mail to the Court. The email has  
26 been set to Judge Nunley’s proposed orders email box, with the email subject line including the case  
27 number and the statement: “Request to Seal Documents.” Further, this Notice of Request, Request  
28 to Seal Documents in Support of Plaintiffs’ Opposition to Motion to Strike the Rebuttal Expert

1 Report of Dr. Elizabeth Howlett, and [Proposed] Order have been served on all parties via electronic  
2 mail.

3 Dated: January 2, 2015

Respectfully submitted,

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

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6 By: /s/ L. Timothy Fisher  
L. Timothy Fisher

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24 *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:

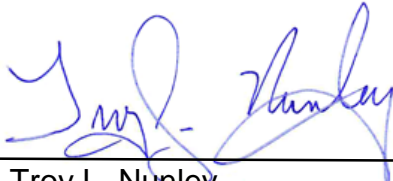
5 The Court finds that the following documents at issue should be filed under seal:

- 6 • Plaintiffs' Memorandum of Points and Authorities in Opposition to Motion to Strike the  
7 Rebuttal Expert Report of Dr. Elizabeth Howlett at 3:14-19, and 3:24-26.  
8 • Exhibit 1 to the Declaration of Annick M. Persinger in Support of Plaintiffs' Opposition to  
9 Motion to Strike the Rebuttal Expert Report of Dr. Elizabeth Howlett, excerpts from the  
10 October 15, 2014 deposition of Dr. Carol Scott at 96:1-25.

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

12 IT IS SO ORDERED.

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14 Dated: January 6, 2015

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18 Troy L. Nunley  
19 United States District Judge  
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