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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES WILSON, an individual,
and JACK WHITE and RITA
WHITE, a married couple,
on behalf of themselves
and all others similarly
situated,

Plaintiffs,

NO. CIV. S-12-0568 LKK/GGH

v.

O R D E R

METALS USA, INC., a Delaware
Corporation; R. ALLAN REID,
an individual and DOES 1-100,
inclusive,

Defendants.

_____/

By order dated February 20, 2013, the court directed
plaintiffs to file their amended complaint no later than April 15,
2013. (ECF No. 40.) On April 15, 2013, plaintiffs filed a document
entitled "Notice of Request to Seal Documents and to File Redacted
Version of Second Amended Class Action Complaint." ("Notice of
Request to Seal," ECF No. 46.) They simultaneously lodged with the
court copies of (i) their Second Amended Class Action Complaint

1 ("SAC") and twenty-eight exhibits thereto, (ii) a document entitled
2 "Request to Seal Documents and to File Redacted Version of Second
3 Amended Class Action Complaint" ("Request to Seal"), and (iii) a
4 proposed order.

5 The Request to Seal seeks to file under seal fifteen exhibits
6 to the SAC. But it only includes points and authorities in support
7 of sealing one exhibit.¹ The remaining exhibits appear to have been
8 designated as "Confidential" pursuant to a stipulation and
9 protective order entered by the magistrate judge on March 6, 2013,
10 which reads in pertinent part:

11 The party filing any paper that contains, summarizes, or
12 reflects any such Protected Materials shall request that
13 the material be filed under seal pursuant to the
14 procedures set forth in Eastern District of California
15 Local Rule 141. The request that the material be filed
16 under seal shall be directed to the judge to whom the
17 papers are directed. Any party or nonparty that produced
18 the Confidential Information that is conditionally
19 lodged under seal may file a motion to permit the
20 Confidential Information to be filed under seal pursuant
21 to Local Rule 141. (ECF No. 41 at 5:24 - 6:2.)

22 To date, defendant Metals USA, Inc. has not filed any documents in
23 support of the sealing of these exhibits.

24 Notably omitted from the lodged documents is the redacted
25 complaint referenced in the Notice of Request to Seal and the
26 proposed order. The court declines to order the filing of a
redacted document that it has had no opportunity to review.

In light of the foregoing, the court orders as follows:

[1] Defendant Metals USA, Inc. is DIRECTED to submit points

¹ A forthcoming order will address whether this exhibit may
be filed under seal.


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and authorities, declarations, and any other materials necessary to support the sealing of those exhibits it wishes to seal, and to identify in an accompanying statement those exhibits that it does not wish to seal. Defendant is to email these documents to lkorders@caed.uscourts.gov no later than 11:59 p.m. PDT on Thursday, May 9, 2013.

[2] If plaintiff wishes to file a redacted complaint, it is DIRECTED to email the proposed redacted complaint to lkorders@caed.uscourts.gov no later than 11:59 p.m. PDT on Thursday, May 9, 2013.

IT IS SO ORDERED.

DATED: April 25, 2013.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT