

BURSOR & FISHER, P.A.

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Interim Class Counsel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YESENIA MELGAR, on Behalf of Herself and
all Others Similarly Situated,

Plaintiff,

v.

ZICAM LLC and MATRIXX INITIATIVES,
INC.

Defendants.

Case No. 2:14-cv-00160-MCE-AC

Hon. Morrison C. England

**PLAINTIFFS' NOTICE OF REQUEST
AND REQUEST TO SEAL EXPERT
REPORTS AND ORDER**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** Plaintiff Yesenia Melgar (“Plaintiff”) files this request
3 pursuant to Local Rule 141 for leave to file certain confidential portions of Plaintiff’s expert
4 reports under seal. The confidential information is identified as:

- 5 • The Expert Report of Dr. Noel R. Rose, M.D. at 4:26; 5:3; 10:22-11:26; and 12:1-2;
6 • The Expert Report of Dr. R. Barker Bausell at 2:25; 3:20-4:8; 5:22-6:12; 6:18-26; 7:1-27;
7 8:4-9; 8:12-9:2; 9:4-11:21; 11:24-12:8; 13:4-5; 13:9-10; and
8 • Certain confidential portions of the expert Declaration of Colin Weir at page 4 Table 1,
9 page 6 Table 2, page 7 Table 3;
10 • Exhibits 3, 4, and 5 to the expert Declaration of Colin Weir.

11 The above documents contain information designated by Defendant as “Confidential”
12 pursuant to the parties’ Agreement for the Discovery of Confidential Information (“Confidentiality
13 Agreement”). The Confidentiality Agreement is attached hereto as **Exhibit A**. The information is
14 “Confidential Discovery Material” pursuant to Section 1(c) of the Confidentiality Agreement
15 because it is “confidential research, development, or commercial information, within the meaning
16 of Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure” and/or proprietary information that is
17 not generally available to or accessible by the general public. *See* Confidentiality Agreement, Exh.
18 A at 2. For this reason, Plaintiffs request that the above-listed documents and portions thereof be
19 filed under seal. Defendants Matrixx Initiatives, Inc. and Zicam LLC shall have access to the
20 confidential documents.

21 Plaintiff has submitted this Notice of Request, Request to Seal Expert Reports, the
22 [Proposed] Order, and the documents themselves via electronic mail to the Court. The email has
23 been set to Judge England’s proposed orders email box, with the email subject line including the
24 case number and the statement: “Request to Seal Documents.” Further, this Notice of Request,
25 Request to Seal Expert Reports, and [Proposed] Order have been served on all parties via electronic
26 mail.
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1 Dated: June 8, 2015

Respectfully submitted,

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

4 By: /s/ L. Timothy Fisher

L. Timothy Fisher

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11 *Interim Class Counsel*

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ORDER

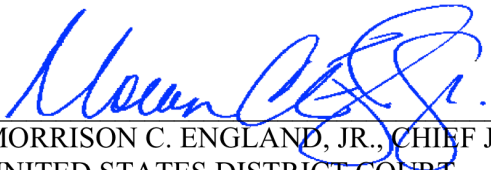
Having considered Plaintiff's Request to Seal Documents and the documents labeled "Confidential" pursuant to the parties' Agreement for the Discovery of Confidential Information, the Court GRANTS Plaintiff's Request to Seal Documents and finds and orders as follows:

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

- The Expert Report of Dr. Noel R. Rose, M.D. at 4:26; 5:3; 10:22-11:26; and 12:1-2;
- The Expert Report of Dr. R. Barker Bausell at 2:25; 3:20-4:8; 5:22-6:12; 6:18-26; 7:1-27; 8:4-9; 8:12-9:2; 9:4-11:21; 11:24-12:8; 13:4-5; 13:9-10; and
- Certain confidential portions of the expert Declaration of Colin Weir at page 4 Table 1, page 6 Table 2, page 7 Table 3;
- Exhibits 3, 4, and 5 to the expert Declaration of Colin Weir.

IT IS SO ORDERED.

Dated: June 10, 2015



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT