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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,

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

Hon. Morrison C. England

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

ZICAM LLC and MATRIXX INITIATIVES,  
INC.

## Defendants.

PLAINTIFF'S NOTICE OF REQUEST AND REQUEST TO SEAL EXPERT  
REPORTS AND ORDER  
CASE No. 2:14-CV-00160-MCE-AC

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

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

- 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.

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

Plaintiff has submitted this Notice of Request, Request to Seal Expert Reports, the [Proposed] Order, and the documents themselves via electronic mail to the Court. The email has been set to Judge England's proposed orders email box, with the email subject line including the case number and the statement: "Request to Seal Documents." Further, this Notice of Request, Request to Seal Expert Reports, and [Proposed] Order have been served on all parties via electronic mail.

1 Dated: June 8, 2015

2 Respectfully submitted,

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

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

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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