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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, Jr.

**PLAINTIFF’S NOTICE OF REQUEST
AND REQUEST TO SEAL
DOCUMENTS IN SUPPORT OF CLASS
CERTIFICATION AND ORDER**

1 filed under seal. Defendants Matrixx Initiatives, Inc. and Zicam LLC shall have access to the
2 confidential documents.

3 Plaintiff has submitted this Notice of Request, Request to Seal Documents in Support of
4 Plaintiff's Reply in Support of Class Certification, the [Proposed] Order, and the documents
5 themselves via electronic mail to the Court. The email has been set to Judge England's proposed
6 orders email box, with the email subject line including the case number and the statement:
7 "Request to Seal Documents." Further, this Notice of Request, Request to Seal Documents in
8 Support of Plaintiff's Reply in Support of Class Certification, and [Proposed] Order have been
9 served on all parties via electronic mail.

10
11 Dated: June 10, 2015

Respectfully submitted,

BURSOR & FISHER, P.A.

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14 By: /s/ Annick M. Persinger
Annick M. Persinger

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21 *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 (ECF No. 40) and finds and orders that the following documents at issue shall be filed under seal:

- Plaintiff's Reply in Support of Motion for Class Certification at 2:11-12; 3:7; 3:9-18; 3:20-22; 4:4; 4:12-16; and 4:21-24;
- Portions of Paragraphs 6, 7, 8, 9, 10, and 11 of the Declaration of L. Timothy Fisher in Support of Plaintiff's Reply in Support of Motion for Class Certification;
- The 4/17/2015 Deposition of R. Barker Bausell, Exhibit 2, at 614:1-615:25; 617:16-20.
- The 5/12/2015 Deposition of Noel Rose, M.D., Ph.D., Exhibit 3, at 621:12-14; 622:1-3; 622:10-25; 623:18-25;
- 4/1/2015 Deposition of Susan Potts, Exhibit 4, at 628:1-634:19; 635:2-653:21; 654:1-664:9;
- Exhibits 5, 6, 7, 8, 9, and 10 to the L. Timothy Fisher in Support of Plaintiff's Reply in Support of Motion for Class Certification; and
- The Rebuttal Declaration of Elizabeth Howlett, Ph.D. in Support of Plaintiff's Motion for Class Certification at 7:26-8:6; 8:9-13; 8:22-9:10; 9:17-18; 10:4-6; 10:27-11:1; 11:7; 11:11; 11:20; 11:23-26; 12:18-19; 12:24; and 12:25-27.

IT IS SO ORDERED.

Dated: June 18, 2015



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