

1 Before the Court is the Defendants' Motion for Administrative Relief to File Documents
2 Under Seal dated August 30, 2010, by which Defendants seek leave to file under seal unredacted
3 versions of certain documents submitted in support of a Motion in Limine (1) to Preclude VNUS
4 from Introducing Settlement Agreements or Related Evidence; (2) to Preclude VNUS from Relying
5 on Evidence Related to 510(k) Statements of Substantial Equivalence; (3) to preclude Reference to
6 Defendants as a Group; (4) to Preclude VNUS from Referring to Unclaimed Functions of
7 Tumescant Anesthesia; and (5) to Preclude Julie Davis from Testifying as to Impermissible Reply
8 Opinions (collectively "Defendants' Motions in Limine"). Having reviewed the parties'
9 submissions filed in support of the motion, the Court rules as follows:

10 1. The motion is GRANTED in part, specifically, as to the following documents that
11 plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed September 2,
12 2010), each of which the requesting party is directed to file, ~~under seal:~~ no later than September 14,
13 2010, under seal:

- 14 • Exhibits 1 (bates-stamped pages VNUS_150328-29, VNUS_150331,
15 VNUS_150336, VNUS_150338-41, VNUS_150348), 5, 6 (pages 27, 30, 34-35, 45,
16 55) 10, 13, 15 (pages 7-10), 19 (bates-stamped pages VNUS_144136-140), 20, 28,
17 and 29 (pages 13, 15-16, 28) to the Declaration of Charles T. Steenburg in Support
18 of Defendants' Motions in Limine Numbers 1 through 6
- 19 • Redacted pages 2 (Ins. 11-13, 16, 24-26, 29), 3 (Ins. 1-4, 9-10, 27), and 6 (In. 15) of
20 Defendants' Motion in Limine No. 1, filed on August 30, 2010
- 21 • Redacted page 3 (Ins. 1-9) of Defendants' Motion in Limine No. 3, filed on August
22 30, 2010
- 23 • Redacted page 2 (Ins. 1-5, 25-28) of Defendants' Motion in Limine No. 4, filed on
24 August 30, 2010

25 2. The motion is DENIED in part, specifically, as to the following documents, in light
26 of plaintiff's having withdrawn its prior designation of confidentiality, each of which the requesting
27 party is directed to file in the public record no later than ~~five calendar days from the date of this~~
28 ~~order:~~ September 14, 2010:

- Exhibits 8, 9, 18, and 27 to the Declaration of Charles T. Steenburg in Support of
Defendants' Motions in Limine Numbers 1 through 6

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- Designated portions of Defendants’ Motions in Limine not identified above, and any portion of Exhibits 1, 6, 15, 19, and 29 not identified above.

3. The motion is DENIED in part, specifically, as to Exhibit 12, in light of Dornier Medtech America, Inc.'s having not filed a responsive declaration. See Civil Local Rule 79-5(d). The requesting party shall file said exhibit in the public record no later than September 14, 2010.

IT IS SO ORDERED.

Dated: September 10 2010


HON. MAXINE M. CHESNEY
United States District Judge