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 11 GAINEY and BRUCE WOODARD

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 ALPHONSO OLIPHANT, an individual,
 16 ROGER GAINEY, an individual, and
 17 BRUCE WOODARD, an individual, ROES
 18 1-25,

19 Plaintiffs,

20 v.

21 CITY AND COUNTY OF SAN
 22 FRANCISCO, a public entity, SAN
 23 FRANCISCO JUVENILE PROBATION
 24 DEPARTMENT, a public entity, WILLIAM
 25 SIFFERMAN, an individual, DOES 1-25,

26 Defendants.

Case No. C 08-5048 MMC

**PLAINTIFFS' NOTICE OF
 ADMINISTRATIVE MOTION AND
 ADMINISTRATIVE MOTION TO
 SEAL AND ORDER THEREON**

FRCP RULE 56(b)

Hearing: April 2, 2010
 Time: 9:00 a.m.
 Place: Courtroom 7, 19th Fl.
 Date Action Filed: Nov. 5, 2008
 Trial Date: June 21, 2010
 Judge: Maxine M. Chesney

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 PLEASE TAKE NOTICE THAT pursuant to Northern District of California Civil Local
3 Rule 79-5 ("Local Rule 79-5"), Plaintiffs Alphonso Oliphant, Roger Gainey and Bruce Woodard
4 hereby move the Court for an order sealing:

5 1. Portions of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment
6 which refer to confidential personnel matters; and

7 2. Portions of Exhibit F to the Declaration of Matt Springman in Support of
8 Plaintiffs' Opposition to Defendants' Motion for Summary Judgment which refer to confidential
9 personnel matters.

10 This Motion is based on Plaintiffs' Memorandum of Points and Authorities set forth
11 below; the Declaration of Matt Springman in Support of this Motion set forth Below; and all
12 pleadings on file in this case.

13 Dated: March 8, 2010

Respectfully submitted,

GONZALEZ & LEIGH, LLP

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17 By: /s/ Matt Springman
18 Matt Springman
19 Attorneys for Plaintiffs
ALPHONSO OLIPHANT, ROGER
GAINEY and BRUCE WOODARD

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 Pursuant to the Protective Order in this action, any party wishing to file with the Court
4 materials designated as confidential by any party must file those materials under seal. See
5 Docket No. 20

6 **ARGUMENT**

7 Local Rule 79-5 provides that a party may request by motion an order authorizing the
8 sealing of part or all of a document that is to be filed with the Court. The Court may issue a
9 sealing order where the information to be sealed is “privileged or protectable as a trade secret or
10 otherwise entitled to protection of the law” Local Rule 79-5(a). The Rule further provides that
11 “[t]he request must be narrowly tailored to see sealing only of sealable material...” *Id.*

12 Defendants move to file under seal:

13 Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgment, Docket No 55.

- 14 1. Page 1: portions of lines 24-26, which are redacted in the publicly filed document.
- 15 2. Page 7: portions of lines 24-26, which are redacted in the publicly filed document.
- 16 3. Page 8: portions of lines 3, 5, 7-9, 11-16, 18, 20-27, which are redacted in the
17 publicly filed document.
- 18 4. Page 17: portion of line 13, which is redacted in the publicly filed document.

19 Declaration of Matt Springman ISO Opposition to Defendants’ MSJ, Docket No. 54,
20 Exhibit F, pages 91-92, 105-112, 177-79, 184-185 of the July 23, 2009 deposition transcript of
21 William Sifferman (marked “HIGHLY CONFIDENTIAL—ATTORNEY’S EYES ONLY
22 PORTIONS).

23 Plaintiffs file this motion in compliance with the Protective Order and in a good faith
24 effort to maintain the confidentiality of the above-mentioned documents. Based on the foregoing,
25 Plaintiffs respectively request that the Court issue an order, pursuant to Local Rule 79-5,
26 permitting Plaintiffs to file the above under seal.

1 ~~[PROPOSED]~~ ORDER

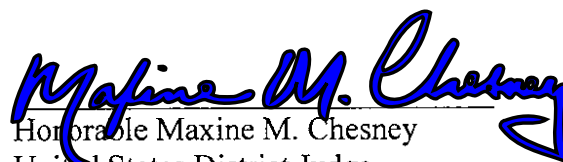
2 Having considered Plaintiffs Alphonso Oliphant, Roger Gainey and Bruce Woodard's
3 Administrative Motion to Seal Certain Documents and good cause having been shown,

4 IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED.

5 IT IS HEREBY FURTHER ORDERED that the ^{unredacted}~~redacted~~ version of Plaintiffs'
6 Opposition to Defendants' Motion for Summary Judgment, as well as the confidential portions
7 of Exhibit F to the Declaration of Matt Springman shall be filed under seal.

8 IT IS SO ORDERED.

9
10 Dated: March 23, 2010

11 
12 Honorable Maxine M. Chesney
13 United States District Judge