

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE ANSCHUTZ CORPORATION,

Plaintiff,

v.

MERRILL LYNCH & CO., et al.,

Defendants.

No. C 09-03780 SI

**ORDER DENYING FITCH AND DBSI'S
MOTION TO REDESIGNATE
SETTLEMENT DOCUMENTS**


United States District Court
For the Northern District of California

Currently before the Court are motions by defendant Fitch, Inc. and defendant DBSI to require plaintiff to redesignate documents produced as "Attorney's Eyes Only" under the parties' protective order as "Confidential." Fitch and DBSI complain they need their employees to be able to review documents regarding plaintiff's settlement with Credit Suisse Securities (USA) in order to contest plaintiff's claim of damages in this action. *See* Docket No. 309. Plaintiff and Credit Suisse object to the motion arguing that defendants' employees – who are competitors of Credit Suisse and/or persons who may rate products issued by Credit Suisse and/or plaintiff's affiliates – should not be allowed to review the highly sensitive and confidential settlement documents which contain non-public business plans and financing documents. *See id.* & Docket No. 302.

The Court has considered the parties' and Credit Suisse's submissions and DENIES defendants' motion. The Court finds that the Attorney's Eyes Only designation is appropriate at this juncture. Defendants are not prejudiced by their counsels' professed inability to understand the settlement documents because, under the protective order in place, defendants can retain experts if necessary to assist them in preparing their damages arguments.

IT IS SO ORDERED.

Dated: November 30, 2011



SUSAN ILLSTON
United States District Judge