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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD GOLDEN, M.D.,
Plaintiff(s),
v.
CALIFORNIA EMERGENCY PHYSICIANS
MEDICAL GROUP,
Defendant(s).

No. C-10-00437 JSW (DMR)

**ORDER SEALING PLAINTIFF'S BRIEF
AND TAKING MATTER UNDER
SUBMISSION WITHOUT ORAL
ARGUMENT**

District Judge Jeffrey S. White instructed this Court to address the enforcement of the settlement reached in this matter, and prepare a Report and Recommendation regarding entry of judgment. *See* Docket No. 33.

On April 21, 2011, the Court issued an Order (Docket No. 34) instructing the parties to file briefs no later than May 13, 2011 setting forth their positions regarding the enforceability of the settlement agreement reached in the March 22, 2011 proceeding. The Order further specified that "the briefs shall be no longer than ten pages, and must not reveal any confidential communications from the settlement conference sessions. *See* ADR Local Rule 7-5. If a party believes that a confidential settlement communication is critical to the Court's consideration of this dispute, that party must first seek the Court's permission to reveal the confidential information by explaining the

1 nature of the information and its importance to this matter. Such request shall be served, and filed
2 under seal. This Order serves as a specific sealing order pursuant to Local Rule 79-5(a).” *Id.*

3 On May 13, 2011, Plaintiff Golden hand-delivered materials to the Court. It appears that the
4 materials were prepared by Plaintiff without counsel. The materials include a 14-page single-spaced
5 letter written in the first-person by Plaintiff. Plaintiff also submitted a number of exhibits. The
6 letter and some of the exhibits contain confidential settlement communications. Since Plaintiff did
7 not follow the procedures set forth in the Court’s April 21, 2011 Order regarding the submission of
8 such communications, Plaintiff is in violation of that Order. However, the violation is mitigated by
9 the fact that Plaintiff apparently did not obtain the assistance of counsel in preparing his submission.

10 The materials submitted by Plaintiff Golden shall be scanned by the Clerk’s office and filed
11 under seal in their entirety.

12 The materials submitted by Plaintiff were not accompanied by a proof of service. Plaintiff is
13 hereby ordered to serve Defendants with a complete set of the materials that Plaintiff hand-delivered
14 to the Court.

15 The Court finds that this matter is appropriate for resolution without oral argument pursuant
16 to Local Civil Rule 7-1(b), and will prepare a written Report and Recommendation regarding entry
17 of judgment.

18 IT IS SO ORDERED.

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20 Dated: May 16, 2011



DONNA M. RYU
United States Magistrate Judge

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