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10 Defendant, *Pro Se*
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 REEVES & ASSOCIATES, PLC,

15 Plaintiff(s),

16 v.

17 MATTHEW D. MULLER, AND DOES 1-25,
18 INCLUSIVE,
19

20 Defendant(s).
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Case No.: CV 11-4762 WHA

~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION TO LIFT THE
SEALING ORDER

Complaint filed: September 23, 2011

FILED

OCT 26 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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WSH

1 On September 23, 2011, Plaintiff filed various pleadings related to confidential
2 and proprietary R&A data that Defendant was alleged to have taken from R&A in the final
3 days of Plaintiff's employment with R&A. Among those pleadings was a proposed order to
4 **temporarily seal certain pleadings filed by Plaintiff** until (a) Defendant was served with the
5 pleadings, or (b) September 30 -- whichever came first. As indicated in Plaintiff's *Ex Parte*
6 Administrative Motion to File Under Seal Certain Documents, the purpose of the proposed
7 **temporary** sealing order was to minimize the risk that Defendant would destroy evidence
8 after learning Plaintiff was pursuing injunctive relief, and before the hearing on Plaintiff's
9 application for injunctive relief.

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11 By the terms of the September 23, 2011, temporary sealing order signed by the
12 Honorable Jeffrey S. White, the temporary seal on the pleadings filed by Plaintiff was to be
13 lifted when Plaintiff served Defendant Matthew D. Muller with various pleadings regarding this
14 matter, and no later than September 30.

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16 Northern District Local Rule 79-5 deems that "[a] sealing order may issue **only**
17 **upon** a request that establishes that the document, or portions thereof is privileged or
18 protectable as a trade secret or otherwise entitled to protection under the law." N.D. Cal. 79-
19 5(a). Here there is no such justification for the sealing order to remain in effect. Indeed:

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- 21 ■ the justification for issuing the order in the first instance no longer exists,
 - 22 ■ the conditions upon which the sealing order was to expire have occurred,
 - 23 and
 - 24 ■ the party that requested the temporary sealing order wishes for it to be
 - 25 lifted.

26 Upon consideration of Plaintiff Reeves & Associates ("R&A") Administrative
27 Motion to Lift Sealing Order, and good cause appearing, the Court hereby orders that the
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1 temporary sealing order issued at Plaintiff's request on September 23, 2011 be lifted, and this
2 matter is now unsealed.

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4 **IT IS SO ORDERED.**

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6 Dated: October 26, 2011

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Honorable William H. Alsup
United States District Judge

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