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7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

11 AARON C. STEVENSON, KEVIN D.
 12 TAYLOR, KEVIN W. SMITH, AUDRY LEE,
 and KIRK W. RICHARDSON,

Plaintiffs,

v.

15 THE CITY AND COUNTY OF SAN
 16 FRANCISCO, THE SAN FRANCISCO FIRE
 DEPARTMENT, THE SAN FRANCISCO
 17 FIRE COMMISSION, and THE CIVIL
 SERVICE COMMISSION OF SAN
 18 FRANCISCO,

Defendants.

Case No. CV 11 4950 MMC

**[PROPOSED] ORDER GRANTING
 ADMINISTRATIVE MOTION FOR LEAVE
 TO FILE: (1) PORTIONS OF PLAINTIFFS’
 MOTION FOR TERMINATING SANCTIONS,
 OR, IN THE ALTERNATIVE, LESSER
 SANCTIONS, AGAINST DEFENDANTS FOR
 THEIR INTENTIONAL SPOILIATION OF
 RELEVANT EVIDENCE; AND (2) CERTAIN
 EXHIBITS, AND PORTIONS OF CERTAIN
 EXHIBITS, UNDER SEAL**

Hearing Date: ~~September 11, 2015~~
 Hearing Time: 9:00 a.m.

Place: Federal Courthouse (NDCA)
 450 Golden Gate Avenue
 San Francisco, CA 94102
 Courtroom 7, 19th Floor

Hearing Judge: Hon. Maxine M. Chesney

Date Action filed: October 6, 2011
 Trial Date: January 11, 2016

ORDER

Plaintiffs’ motion to file documents under seal in connection with their spoliation motion came before the court at 9:00 a.m. on September 11, 2015, in Courtroom 7 of the above captioned Court before the Honorable Maxine M. Chesney. Murlene J. Randle appeared on behalf of the Plaintiff and Deputy City Attorney Jonathan Rolnick appeared on behalf of the Defendants.

The Plaintiffs filed an administrative motion pursuant Local Rule 79-5(e). The Defendants filed a Declaration under subsection 79-5(d)(1)(A) on August 14, 2015 , as required by Rule 79-5(e), establishing that all of the designated material is sealable.

GOOD CAUSE HAVING BEEN FOUND, pursuant to the Rule 79-5(d)(1)(A) Declaration, and any oral argument taken, IT IS HEREBY ORDERED that the Plaintiffs’ administrative motion for leave to file portions of Plaintiffs’ motion for terminating sanctions, or, in the alternative, lesser sanctions, against Defendants for their intentional spoliation of relevant evidence (Exhibit 1), certain exhibit, and portions of certain exhibits, is GRANTED as follows:

Exhibit 2	Portions of the Plaintiffs’ Motion for Terminating Sanctions, or, In The Alternative, Lesser Sanctions, Against the Defendants for Their Intentional Spoliation of Relevant Evidence	Granted: <u> x </u> Denied: _____
Exhibit 3	Excerpts of David B. Johnson’s January 21, 2015 Deposition Transcript	Granted: <u> x </u> Denied: _____
Exhibit 4	The Rater Manual Staff PUBLIC SAFETY TEAM H-50 Assistant Chief Fire Scene Simulation Exercise September 2010,”	Granted: <u> x </u> Denied: _____

1	Exhibit 5	The (1) transcript of candidate 5001's oral responses to each scenario of the Fire Scene Simulation Exercise; (2) the Answer Keys for each Fire Scene Simulation Exercise scenario; and (3) the Record of Scores of candidate 5001 for each Fire Scene Simulation Exercise scenario	Granted: <u> x </u> Denied: _____
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7	Exhibit 6	The (1) the documentation portion of candidate 5001 for the Supervision / Training Performance Exercise, (2) a blank Supervision / Training Performance Exercise Scoring Key, and (3) the Supervision / Training Performance Exercise Record of Scores completed by the raters for candidate 5001	Granted: <u> x </u> Denied: _____
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13	Exhibit 7	The Rebuttal Declaration of Arthur Gutman, Ph.D., of Expert Report by Cristina Banks, Ph.D	Granted: <u> x </u> Denied: _____
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15	Exhibit 8	Expert Report of Arthur Gutman, Ph.D. (Validity)	Granted: <u> x </u> Denied: _____
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17	Exhibit 9	Portions of Plaintiff Kevin D. Taylor's Amended Response To Defendant's Special Interrogatories, Set Three	Granted: <u> x </u> Denied: _____
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19	Exhibit 10	Portions of Plaintiffs' Analysis and Review Regarding The 2010 H-50 Assistant Chief Promotional Examination	Granted: <u> x </u> Denied: _____
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<p>1 Exhibit 11</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p>	<p>A revised section of the Plaintiffs' Analysis and Review Regarding The 2010 H-50 Assistant Chief Promotional Examination related to the "Initial Response: Communications" dimension of the High-Rise Scoring Key, and associate pie charts for the High-Rise section and pie chart that reflects the incorrect response anchors for all four fire scene scenarios</p>	<p>Granted: <u> x </u></p> <p>Denied: _____</p>
<p>8 Exhibit 12</p> <p>9</p>	<p>Excerpts of Cristina G. Bank's, Ph.D., June 29, 2015 Deposition Transcript</p>	<p>Granted: <u> x </u></p> <p>Denied: _____</p>
<p>10 Exhibit 13</p> <p>11</p> <p>12</p>	<p>Excerpts of Chief Patrick Gardner's January 13, 2015 Deposition Transcript and exhibits one, two, three, and twelve</p>	<p>Granted: <u> x </u></p> <p>Denied: _____</p>
<p>13 Exhibit 14</p> <p>14</p> <p>15</p>	<p>Excerpts of Chief Arthur Kenney's December 17, 2014 Deposition Transcript and exhibits four & six</p>	<p>Granted: <u> x </u></p> <p>Denied: _____</p>

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17 IT IS SO ORDERED.

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19 Dated: August 24 , 2015

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 Hon. Maxine M. Chesney
 District Court Judge

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