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

United States District Court
Northern District of California

RESILIENT FLOOR COVERING
PENSION FUND, et al.,

Plaintiffs,

v.

MICHAEL’S FLOOR COVERING,
INC.,

Defendant.

Case No.: 11-5200 JSC

**ORDER RE: ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
(Dkt. No. 70)**

On July 26, 2012, the parties filed cross-motions for summary judgment in this action. (Dkt. Nos. 67 & 71). Plaintiffs’ motion includes an administrative motion to file under seal portions of Plaintiffs’ Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for Partial Summary Judgment and Exhibits K, L, R, V (Art. F & I only), W, X and Z (attachments only) to the Declaration of Donna L. Kirchner filed therewith. (Dkt. No. 70). Plaintiffs’ motion is based on Defendant’s designation of materials attached thereto as “Highly-Confidential – Attorneys’ Eyes Only.”

Under this Court’s Standing Order Defendant, as the designating party, had three days to file a declaration establishing good cause for the sealing along with a proposed order, or move to withdraw the designation. This Court’s Standing Order warns that failure to file

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such a declaration may result in an order that the documents be filed on the public record. The Local Rules similarly warn that “[i]f the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.” See Civil L.R.79-5(c). It has now been more than seven days since Plaintiffs filed their administration motion to seal.

Defendant shall file a declaration establishing good cause for the sealing along with a proposed order or withdraw the designation by the close of business Monday, August 6, 2012. If Defendant fails to comply with this Order, the Court will order the documents filed on the public docket.

IT IS SO ORDERED.

Dated: August 3, 2012



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE