

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

UNITED STATES OF AMERICA,

Plaintiff,

No. C 10-03054 JSW

v.

COUNTERFEIT MERCHANDISE AND
PROCEEDS FROM SALES OF
COUNTERFEIT MERCHANDISE,

Defendants.

**ORDER RE *EX PARTE*
APPLICATION TO SEAL,
ADMINISTRATIVE MOTION TO
SEAL AND INSTRUCTIONS TO
CLERK**

(Docket Nos 75 76)

On September 5, 2014, counsel for claimants Chien Chuan Mei, Alan Mei and Irene Mei filed a motion to withdraw as counsel. Counsel also filed an ex parte application to seal that motion and the declaration in support of the motion, on the basis that the motion to withdraw and the declaration contained attorney-client privileged information. Counsel did not electronically file either document.

On September 8, 2014, because the motion to seal did not contain privileged information, the Court directed counsel to electronically file the motion to seal, and to comply with Northern District Civil Local Rule 79-5 for electronically filing documents under seal.

Counsel complied with the Court's directive, and electronically filed the motion to seal, the proposed order granting that motion, and complied with Local Rule 79-5 by electronically filing the motion to withdraw and the declaration under seal. (Docket No. 76.)

1 However, the Court erroneously directed counsel to comply with Northern District
2 Local Rule 79-5, to the extent it directed counsel to electronically file, under seal, the motion to
3 withdraw and the declaration in support of that motion, because those documents were intended
4 to be submitted to the Court on an *ex parte* basis, because they contained information subject to
5 the attorney-client privilege.

6 Accordingly, the Court has locked access to Docket No. 76, and it HEREBY ORDERS
7 the Clerk to remove the docket from the record. If Plaintiff or any other counsel, other than
8 counsel for the Mei claimants, electronically received a copy of Document No. 76 and have not
9 yet opened that document or reviewed it, they are ORDERED not to do so, and to file a notice
10 certifying that they have complied with this directive by **September 12, 2014**.

11 If counsel for the Plaintiff and any other counsel who received Docket No. 76 has
12 opened the document, they are HEREBY ORDERED to destroy Docket No. 76 or return their
13 copy to counsel for the Mei claimants and to file a notice attesting they have done so by
14 **September 12, 2014**.

15 The Court GRANTS Mei Claimant's counsel's *ex parte* application to file the motion to
16 withdraw as counsel and the declaration in support thereof under seal. (Docket No. 75). The
17 Clerk shall file the hard copy of the document received on September 5, 2014 in the record in
18 this case.

19 **IT IS SO ORDERED.**

20 Dated: September 8, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE