

UNITED STATES DISTRICT COURT  
Northern District of California

CITY OF OAKLAND,

No. C 11-1446 YGR (MEJ)

Plaintiff,

**ORDER FOR IN CAMERA REVIEW**

v.

**Re: Docket Nos. 62, 68, 69, and 76**

SSA TERMINALS, LLC., et al.,

Defendants.

On February 3, 2012, the parties filed a joint discovery dispute letter regarding the scope of a proposed protective order. Dkt. No. 62. After reviewing the joint letter, the Court ordered the parties to each submit supplemental letters. Dkt. No. 65. The Court has considered the parties' positions and hereby orders as follows:

1. Any documents that Defendant wants to prohibit Plaintiff's in-house counsel (David Alexander and Donnell Choy) from having access to must be submitted to the Court by **Friday, March 30, 2012** for in camera review.

2. From the parties' last letter, it appears Defendant believes that some of the documents at issue will be used during trial. *See* Dkt. No. 76. The Court notes that this Circuit has a strict standard for sealing documents from the public. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122 (9th Cir. 2003); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304 (N.D. Cal. 2005). Accordingly, any request from Defendant to withhold documents from Plaintiff's in-house counsel must be narrowly tailored. *See* Civ. Loc. R. 79-5.

3. In connection with its submission of the documents, Defendant must provide a declaration

1 that *specifically explains* why each document or each redaction in a document should not be available  
2 to Plaintiff's in-house counsel. This declaration must also explain why the documents or redactions  
3 at issue can be analyzed by Plaintiff's outside counsel (Fitzgerald Abbott & Beardsley LLP) in a  
4 manner that provides Plaintiff with adequate representation without the involvement of in-house  
5 counsel.

6 The Court will issue another order after it conducts an in camera review of the documents and  
7 Defendant's declaration.

8 **IT IS SO ORDERED.**

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10 Dated: March 28, 2012

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13 Maria-Elena James  
14 Chief United States Magistrate Judge  
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