

United States District Court

For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NETSCAPE COMMUNICATIONS CORPORATION,  
  
Plaintiff,  
  
v.  
  
FEDERAL INSURANCE COMPANY, et al.,  
  
Defendants.

Case No.: C 06-0198 JW (PVT)

**ORDER DENYING STIPULATED REQUEST TO "WITHDRAW" BRIEF FILED WITH THE COURT WITHOUT PREJUDICE TO A REQUEST TO SEAL PURSUANT TO RULE 26(c) OF THE FEDERAL RULES OF CIVIL PROCEDURE AND CIVIL LOCAL RULE 79-5**

On October 24, 2006, the parties filed a stipulation and proposed order seeking to "withdraw" a reply brief Plaintiffs filed with the court.<sup>1</sup> Based on the stipulated request and the file herein,

IT IS HEREBY ORDERED that the stipulated request is DENIED. The parties cite no legal authority for an order entirely removing a brief from the court's file.<sup>2</sup> This order is without prejudice to a request to seal any confidential portions of the document pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and this court's Civil Local Rule 79-5.

Dated: 10/25/06

*Patricia V. Trumbull*  
PATRICIA V. TRUMBULL  
United States Magistrate Judge

<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

<sup>2</sup> Removing briefs from the court's official file is, at a minimum, inconsistent with the public's right of access to court documents. *See, e.g., San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1101-03 (9th Cir. 1999) (public has federal common-law right of access to court records in civil cases).