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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

HAROLD J. PHILLIPS and GEORG-ANNE)	CASE NO: 02 CV 1642 B (NLS)
PHILLIPS,)	
)	ORDER DENYING INTERVENORS'
)	RESPONSE AND REQUEST FOR
Plaintiffs,)	RECONSIDERATION OF COURT'S
)	JANUARY 31, 2008 ORDER
v.)	
)	[Doc. No. 70]
)	
THE GOODYEAR TIRE & RUBBER)	
COMPANY, et al.,)	
)	
Defendants.)	

On January 31, 2008, the Court entered an Order [Doc. No. 67] staying enforcement of that portion of this Court's January 28, 2008 Order [Doc. No. 65] which unseals documents 27, 37, 45, 48, 51 and 53, and sealing its January 30, 2008 Order.¹ Intervenors filed a response and request for reconsideration of the Court's January 31, 2008 Order on grounds that (1) Goodyear's only avenue of review from that Order is to the Ninth Circuit, and (2) the public interest in the deposition testimony outweighs any harm to Goodyear by reason of its disclosure.

¹ On January 28, 2008, this Court denied as moot Intervenors' motion to modify the Protective Order governing discovery in this case [Doc. No. 65], finding that the deposition testimony at issue did not contain confidential information and was not subject to the terms of the Protective Order. As a result of that Order, the deposition testimony became available to the public unless ordered otherwise.

1 On the first point, Intervenor's are incorrect. Any decision made by a Magistrate Judge on
2 a non-dispositive motion is subject to review by the presiding District Judge in accordance with
3 28 U.S.C. § 636(b)(1)(A) and Fed.R. Civ. P. 72(a). On the second point, while the public interest
4 is certainly a concern, Goodyear's interest in keeping the deposition testimony private pending
5 review of this Court's Order will be forever lost unless the documents that refer to that testimony
6 remain under seal. Therefore, Intervenor's motion for reconsideration is **DENIED**.

7 **IT IS SO ORDERED.**

8 DATED: February 1, 2008

9 
10 Hon. Nita L. Stormes
11 U.S. Magistrate Judge

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