

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GEORGE BROWN :
 :
 :
 v. : CIV. NO. 3:11CV714 (JCH)
 :
 OFFICER IVAN J. CLAYTON :

CORRECTED RULING ON PENDING MOTIONS

The Motion for Reconsideration [**doc. #109**] of the Order re: Attorney Conduct is **DENIED**. The Order did not impose sanctions or make findings for Rule 11 purposes. It was an effort to resolve the issues between counsel short of Rule 11 litigation. In light of the content and tone of the Motion for Reconsideration, and counsel's decision not to offer the apology discussed at the conference, these efforts have failed. All further motions will be handled by Judge Hall.

The Clerk of the Court will docket the Motion for Reconsideration and file the Memorandum in support of the Motion for Reconsideration with exhibits **under seal** due to the personal attacks it contains on opposing counsel.

The Clerk of the Court will docket **under seal** plaintiff's response to defendants' Motion for Order [doc. #110].

The Court notes that the magistrate judge referral in Sierra v. Morales, Civ. No. 13CV323 (WWE) [doc. #13], was made by Judge Eginton, with whom the magistrate judge is paired, and

defendant's counsel had no role in it. That motion was decided on the papers, which were filed by Attys. Mastronardi and Roberts. [13CV323 (WWE) [doc. #10]].

Defendants' Motion for Order re: Docket #103 [**doc. #108**] is **GRANTED**, to the extent that it seeks clarification of the current status of the dispute between counsel. The Clerk of the Court will place attachment #1 to defendants' Motion for Order [doc. #108], **under seal**.

Both counsel are free to file any motions, or seek any remedies, they feel are appropriate. This dispute has not been resolved by agreement. As noted in doc. #103, based on the failure of the mediation, the Court will enter a scheduling order and Judge Hall will hear the parties regarding Rule 11 sanctions.

Any Motion for Sanctions under Rule 11, or motion for protective order, based on conduct to date, must be filed or submitted (see below) on or before May 3, 2013.

Plaintiff's counsel will continue to submit any filings that refer to defense counsel under seal so that they can be reviewed. Defense counsel may also file memoranda or exhibits under seal to avoid spreading personal attacks on the public record.

The Court's April 8, 2013, Order, [doc. 103], is modified to the extent that document Nos. 34, 71, 75, and 80 will be placed **under seal** pending further proceedings.

This is not a recommended ruling. This is a ruling and order reviewable pursuant to the "clearly erroneous" statutory

standard of review. 28 U.S.C. §636 (b) (1) (A); Fed. R. Civ. P. 6(a), 6(e) and 72(a); and Rule 2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the district judge upon motion timely made.

SO ORDERED at Bridgeport this 22nd day of April 2013.

/s/

HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE