

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

Board of Trustees of the City of Lake Worth  
Employees' Retirement System, et al.,

Plaintiffs,

vs.

Case No. 3:10-cv-845-J-32MCR

Merrill Lynch Pierce Fenner & Smith,  
Incorporated,

Defendant.

**ORDER**

**THIS CAUSE** is before the Court on Plaintiffs' Unopposed Motion to Seal (Doc. 74) filed December 7, 2011. Plaintiffs seek to file under seal three exhibits attached to a declaration supporting their Memorandum of Law in Support of Class Certification. Defendant has designated these documents as confidential pursuant to the parties' Confidentiality Agreement. According to the parties, these documents contain confidential information and are necessary for the Court to consider in determining the appropriateness of class certification.

Local Rule 1.09 of the Local Rules for the Middle District of Florida permits a paper to be filed under seal if the moving party provides: (i) an identification and description of each item proposed for sealing; (ii) the reason that filing each item is necessary; (iii) the reason that sealing each item is necessary; (iv) the reason that a means other than sealing is unavailable or unsatisfactory to preserve the interest

advanced by the movant in support of the seal; (v) a statement of the proposed duration of the seal; and (vi) a memorandum of legal authority supporting the seal. The Court will permit the sealing of the three exhibits to the Declaration of Adam P. Levinson filed in support of Plaintiffs' Memorandum of Law in Support of Class Certification because Plaintiffs have satisfied each of these requirements and because the Court finds there is a compelling interest in protecting the information and the sealing of these documents is narrowly tailored to that interest. See Brown v. Advantage Engineering, Inc., 960 F.2d 1013, 1016 (11<sup>th</sup> Cir. 1992) (citing Wilson v. American Motors Corp., 759 F.2d 1568, 1571 (11<sup>th</sup> Cir. 1985)).

Accordingly, after due consideration, it is

**ORDERED:**

Plaintiffs' Unopposed Motion to Seal (Doc. 74) is **GRANTED**. The Clerk shall file exhibits 12, 13, and 22 to the Declaration of Adam P. Levinson filed in support of Plaintiffs' Memorandum of Law in Support of Class Certification under seal until further Order of the Court.

**DONE AND ORDERED** in Chambers in Jacksonville, Florida this 8<sup>th</sup> day of December, 2011.

*Monte C. Richardson*

MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record