

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

MICHAEL S. MURPHY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:14-cv-00400-JAW
	)	
JAMES N. MATTIS,	)	
	)	
Defendant.	)	

**ORDER ON SEALING AND REDACTION**

On October 10, 2014, Michael Murphy filed a complaint alleging, among other things, age and disability discrimination in connection with his employment at the Portsmouth Naval Shipyard in Kittery, Maine. *Compl. and Demand for Trial by Jury* (ECF No. 1); *Second Am. Compl.* (ECF No. 56). On May 6, 2016, the Secretary of Defense filed a notice of intent to move for partial summary judgment. *Notice of Intent to Move for Summ. J.* (ECF No. 46). The parties subsequently agreed to eight stipulated facts. *Stipulation and J.R. Solely for Purposes of Summ. J.* (ECF No. 60). On August 10, 2016, the Secretary filed a motion for partial summary judgment and a statement of undisputed material facts. *Def.'s Mot. for Partial Summ. J.* (ECF No. 61); *Statement of Undisputed Material Facts in Supp. of Def.'s Mot. for Partial Summ. J.* (ECF No. 62). On October 5, 2016, Mr. Murphy filed a memorandum of law in opposition to Mr. Murphy's motion, a responsive statement of material facts, and an additional set of material facts. *Pl.'s Opp'n to Def.'s Mot. for Partial Summ. J.* (ECF No. 73); *Pl.'s Resp. to Def.'s Statement of Undisputed Material Facts and Pl.'s*

*Statement of Additional Material Facts* at 1–12 (ECF No. 74); *Id.* at 12–42. On October 26, 2016, the Secretary filed a reply memorandum and a reply statement of facts. *Def.’s Reply in Further Supp. of Mot. for Partial Summ. J.* (ECF No. 96); *Reply Statement of Material Facts Pursuant to Local Rule 56(D) and 56(E) Responses* (ECF No. 97).

Appendix IV of the Local Rules of the District of Maine sets forth the administrative procedures governing electronic filing:

**(i) Privacy**

In compliance with the policy of the Judicial Conference of the United States and in order to address the privacy concerns created by Internet access to Court documents, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

(3) Dates of birth: Use of the year of birth only[.]

D. Me. Loc. R., app. 4(i).

Notwithstanding the local procedures, the parties in this case repeatedly included Mr. Murphy’s birth month and day in their electronic filings. In order to protect Mr. Murphy’s personal information, the Court ORDERS the Clerk of Court to seal the following documents from public view:

- *Second Am. Compl., Attach. 1, Decl. Under Penalty of Perjury* (ECF No. 56-1)
- *Stipulation and J.R. Solely for Purposes of Summ. J.* (ECF No. 60)
- *Def.’s Mot. for Partial Summ. J.* (ECF No. 61)

- *Statement of Undisputed Material Facts in Supp. of Def.'s Mot. for Partial Summ. J.* (ECF No. 62)
- *Decl. of A.U.S.A. Andrew K. Lizotte, Attach. 1, Dep. of Michael S. Murphy* at (ECF No. 63-1)
- *Decl. of A.U.S.A. Andrew K. Lizotte* (ECF No. 98)
- *Decl. of A.U.S.A. Andrew K. Lizotte, Attach. 5, Feb. 21, 2014 Letter* (ECF No. 98-5)
- *Decl. of A.U.S.A. Andrew K. Lizotte, Attach. 7, Mar. 14, 2014 Letter* (ECF No. 98-7)
- *Decl. of A.U.S.A. Andrew K. Lizotte, Attach. 8, March 19, 2014 Letter* (ECF No. 98-8)
- *Decl. of A.U.S.A. Andrew K. Lizotte, Attach. 9, Report of Investigation* (ECF No. 98-9)
- *Redacted Document, Attach. 1, Tr. of Dep. of William W. Fales, Jr.* (ECF No. 91-1)
- *Redacted Document, Attach. 2, Decl. Under Penalty of Perjury* (ECF No. 91-2)

Further, the Court ORDERS the parties to immediately comply with the Local Rules and to file redacted versions of these documents as well all other documents redacting Mr. Murphy's personal identifying information no later than Friday, March 24, 2017.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of March, 2017