

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-11773-GAO

DEBORAH POLITIS,
Plaintiff,

v.

GLAXOSMITHKLINE,
Defendant.

OPINION AND ORDER

December 11, 2014

O'TOOLE, D.J.

On February 6, 2014, this Court entered an order enforcing a settlement agreement between the parties (dkt. no. 40). On March 6, 2014, the plaintiff filed a notice of appeal from that order (dkt. no. 42). That day she also filed a “Motion to Seal” (dkt. no. 41), to which were attached as exhibits a “Motion for Appointment of Counsel” and a “Motion to Reconsider.” The Court subsequently granted the “Motion to Seal.” The normal docketing practice regarding proposed sealed filings is for a party to separately file the pertinent document under seal once permission has been granted. The “Motion for Appointment of Counsel” and the “Motion to Reconsider” were not separately filed under seal in accordance with that practice, and as a result neither was recorded as a pending motion in the electronic docket. Additionally, because the “Motion to Seal” and the attached exhibits (including the other “Motions”) were themselves sealed, counsel for the defendant was not able to access them electronically and therefore to know what they contained.

The Court of Appeals determined that the notice of appeal would not become effective until this Court disposed of the “Motion to Reconsider,” which the Court of Appeals apparently deemed to be pending. Since then, the plaintiff has also moved to seal an affidavit in support of the “Motion for Appointment of Counsel” and the “Motion to Reconsider.” That Motion to Seal (dkt. no. 56) is GRANTED and the affidavit is treated as filed under seal.

Treating as pending the “Motion for Appointment of Counsel” and the “Motion to Reconsider,” this Court now DENIES both motions. The prior order enforcing the settlement agreement (dkt. no. 40) is confirmed, and the parties are again directed to perform their respective obligations as set forth therein.

Finally, the defendant’s Motion for Sanctions (dkt. no. 49) is DENIED. The plaintiff’s Motion to Seal (dkt. no. 52) is GRANTED, and, treating Exhibit 1 thereto as a filed motion, that Motion for Time Extension (dkt. no. 52-1) is MOOT.

It is SO ORDERED.

/s/ George A. O’Toole, Jr.
United States District Judge