

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America and
State of Michigan,

Case No. 15-cv-12311

Plaintiffs,

v.

Judith E. Levy
United States District Judge

W.A. Foote Memorial Hospital
d/b/a Allegiance Health,

Mag. Judge David R. Grand

Defendant.

/

**OPINION AND ORDER DISSOLVING ORDERS TO SHOW
CAUSE [66, 76] AND ORDERING PARTIES TO REFILE DPKTS.
47, 74, AND 86 WITH REDACTIONS**

The Court ordered the parties to show cause why Docket Nos. 46 and 74 should not be unsealed (Dkts. 66, 76), and the parties responded. (Dkts. 81, 82.) The Court also granted a temporary motion to file under seal Docket No. 86 until the Court could resolve the sealing issue. (Dkt. 89.) On March 20, 2017, the Court reviewed the documents *in camera* with the parties to resolve whether the documents should be sealed, and if so, to what extent. For the reasons set forth on the record, the parties are directed to refile Docket Nos. 47, 74, and 86, redacting only as follows:

- (Dkt. 74-3 at 4-5) – only sections (a)(i)(A) through (D) shall be redacted, except for the heading of each section (*i.e.*, Print, Radio, Television, and Outdoor).
- (Dkt. 74-3 at 6-7) – only sections (a)(iii) through (iv) shall be redacted, except for the heading of each section (*i.e.*, Vertically Positioned Services and Horizontally Competitive Services).
- (Dkt. 74-3 at 9) – only section (a)(vi)(B) shall be redacted, except for the heading and the first two sentences.
- (Dkt. 74-5 at 3) – only the second paragraph shall be redacted.
- (Dkt. 74-6 at 5) – only paragraph number 16 and footnote 35 shall be redacted.
- (Dkt. 74-7 at 3) – only paragraph number 8, beginning with “identified” in line 6 through the indented language, shall be redacted.
- (Dkt. 74-8 at 2) – only the number in row 4, column 3 shall be redacted.
- (Dkt. 74-9 at 4) – only the image shall be redacted.
- (*Id.* at 7) – only Jeanne O’Dell’s cellphone number shall be redacted.

- (*Id.* at 17) – everything except for the email header information shall be redacted.
- (*Id.* at 18) – only the bullet points shall be redacted, except for “Hillsdale zips (Tracy and Alisha – do you have these specific zips?)”
- (*Id.* at 20) – everything except for the email header, “Partners in Health,” and “Entire Planning Region (minus Hillsdale) shall be redacted.
- (*Id.* at 21) – the entirety of this page shall be redacted
- (*Id.* at 23-31) – everything except for entries 27, 28, 30, 46, 47, 55, and 56 shall be redacted.
- (*Id.* at 42) – only the last three sentences and the ending parenthetical of the top email and the last sentence of the bottom email shall be redacted.
- (*Id.* at 49) – only the number shall be redacted.
- (*Id.* at 53) – only the body of text after “Core Audiences” and “Strategies” shall be redacted.
- (*Id.* at 56) – only the body of text after “Core Audiences” and “Strategies” shall be redacted.
- (*Id.* at 58) – only the second column shall be redacted.

- (*Id. at 59*) – only the second column shall be redacted, except for the last row of the second column.
- (*Id. at 60*) – only the second column shall be redacted, except for the first line and first bullet in the first row of the second column.
- (*Id. at 73*) – only the second column and the three lines immediately below the table shall be redacted, except for the first lines of rows 1, 2, and 4 (*i.e.*, “No services off limits”), and the last row in its entirety.
- (*Id. at 77*) – only the last two rows of the table shall be redacted.
- (*Id. at 78*) – only the table shall be redacted.
- (*Id. at 80-81*) – the entirety of these pages shall be redacted.
- (Dkt. 86 at 6) – only paragraph 29, starting with the second sentence through the image, shall be redacted.
- (*Id. at 7*) – only footnote 71 shall be redacted.
- (Dkt. 46-2 at 2) – the entirety of this page shall be redacted.
- (Dkt. 46-3 at 2) – only the second column and the three lines immediately below the table shall be redacted, except for the first lines of each row (*i.e.*, “No services off limits”).

- (*Id.* at 3) - only the second column and the three lines immediately below the table shall be redacted, except for the entirety of row 2 concerning South-Hillsdale and the first line of row 4 (*i.e.*, “No restriction in Albion”).
- (*Id.* at 4) – only the second column and the three lines immediately below the table shall be redacted.
- (Dkt. 46-4 at 2) – the entirety of this page shall be redacted.

Accordingly, the orders to show cause (Dkts. 66, 76) are DISSOLVED, Docket Nos. 47, 74, and 86 shall REMAIN SEALED, and the parties are directed to refile those entries with the redactions set forth above.

IT IS SO ORDERED.

Dated: April 11, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 11, 2017.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager