

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

OCT 22 2019

Clerk, U.S. District Court
District Of Montana
Missoula

MICHAEL A. FROST,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

CV 15-124-M-DWM

ORDER

On October 21, 2019, Plaintiff Michael A. Frost filed a response to Defendant BNSF Railway Company's motion for partial summary judgment. Frost seeks leave to file two supporting documents, his statement of disputed facts and Robert Rindy's performance evaluations, under seal on the grounds that they contain information subject to the parties' confidentiality agreement and personal information about Rindy, who is not a party to this suit. The Court previously denied the parties' motions to seal other documents regarding the pending motion in limine but explained that it would consider the documents *in camera*, if necessary, to rule on the motion. Frost asks for the same treatment of the documents at issue here. Accordingly,

IT IS ORDERED that Frost's Motion for Leave to File Under Seal (Doc. 205) is GRANTED to the extent it asks the Court to review the proffered

documents *in camera* in considering the motion for partial summary judgment and with the understanding the documents will not be sealed as part of the record at this time. Whether the documents should be sealed as part of the record can be decided later, if necessary. Any decision to seal the documents in the public docket will not necessarily result in their being sealed at trial.

IT IS FURTHER ORDERED that Frost shall provide copies of the proffered statement of disputed facts and Rindy's performance evaluations to BNSF.

DATED this 22nd day of October, 2019.



Donald W. Molloy, District Judge
United States District Court

stop calling
Almanaher
10-22-2019
[Signature]