



case where they might be viewed by anyone. *See* DE 67 at 2 (“By attaching these documents, and not filing this Motion under seal, we technically are in violation of the Protective Order”).

The only justification offered by plaintiffs for their blatant and willful violation of this Court’s order is their view that defendants designated documents as confidential in bad faith. The SPO provides a procedure to be followed in such a circumstance. Plaintiffs stipulated they would follow that procedure, and the Court ordered them to do so. Plaintiffs chose to ignore the procedure and instead to violate the Order.

By letter motion dated December 27, 2011, Docket Entry 68, defendants ask, among other things, that plaintiffs be required to cure their improper disclosures of documents and information produced by defendants. This aspect of defendants’ motion is granted. Plaintiffs shall contact the Clerk of the Court and ensure that the documents and information designated as confidential by defendants is removed from the public record and re-filed, if at all, under seal by the close of business on December 30, 2011. The Court will hear the parties’ other pending motions, and the other aspects of defendants’ letter motion dated December 27, 2011, at a conference to be held at 2:30 p.m. on January 11, 2012. Plaintiffs are alerted that the Court will consider at that time imposing sanctions for the conduct described above, and that future violations of Court orders will result in the issuance of an order to show cause why a finding of contempt and severe sanctions should not be imposed.

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/s/  
STEVEN M. GOLD  
United States Magistrate Judge

Brooklyn, New York  
December 29, 2011