

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Dr. Jeffrey Carey, *et al.*,

Plaintiffs,

v.

Whitehall Surgery Center, Ltd.
d/b/a Pickerington Surgery Center,
et al.,

Defendants.

Case No. 2:23-cv-3774

Judge Michael H. Watson

Magistrate Judge Deavers

ORDER

Although a new case, the docket needs tidying. First, the Clerk is **DIRECTED** to re-caption this case as “Carey, *et al.* v. Whitehall Surgery Center, Ltd., *et al.*”

Second, because Defendants filed two versions of their emergency motion, ECF Nos. 1 and 2, ECF No. 1 is **TERMINATED AS MOOT**.

Next, Defendants informally represented to the Court that they erroneously filed unredacted versions of Exhibits B, C, and D (the “Exhibits”) and that the Exhibits to ECF No. 2 are the redacted versions. The Court temporarily sealed ECF No. 1. It is not clear that the Exhibits, as attached to ECF No. 2, are redacted, as they seem largely the same as the versions attached to ECF No. 1. In any event, a party may not unilaterally seal filings without leave of Court. See S.D. Ohio Local Rule 5.2.1(a). Therefore, the Court **INTENDS** to unseal ECF

No. 1 in **SEVEN DAYS** unless Defendants file a properly supported motion to seal the Exhibits.

Finally, the state court TRO (which is the subject of Defendants' emergency motion) is set to expire on November 21, 2023. See ECF No. 2-10. Although Defendants take issue with the entirety of the TRO, it seems that the only aspect of the TRO for which timing is an issue is the requirement that Defendants produce certain documents to Plaintiffs. Defendants are **ORDERED** to clarify whether any other aspect of the TRO requires its dissolution prior to November 21, 2023. Defendant shall so clarify via a notice on the docket, which must be filed **by 5:00 p.m. on November 13, 2023**.

The Clerk is **DIRECTED** to re-caption this case as "Carey, *et al.* v. Whitehall Surgery Center, Ltd., *et al.*" and to terminate ECF No. 1 as moot.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT