

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WRIGHT ASPHALT PRODUCTS CO.,
LLC,

Plaintiff,

VS.

PELICAN REFINING COMPANY, LLC.,

Defendant.

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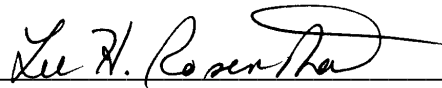
CIVIL ACTION NO. H-09-1145

ORDER

The parties have moved for entry of a protective order. There is one aspect of the protective order that gives rise to concern. Paragraph 8 states that a party submitting designated confidential information to the court must do so by filing under seal. But designating a document as confidential in discovery is not sufficient to maintain it under seal. That paragraph should be revised to provide that either with the sealed filing or within a certain period thereafter, the party seeking to maintain the seal must file a separate motion with the court showing good cause to do so.

A revised protective order consistent with this order must be filed by **November 20, 2009** or the parties may file a response showing why no revision is appropriate.

SIGNED on November 9, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge