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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

9 SWINOMISH INDIAN TRIBAL
10 COMMUNITY, a federally recognized Indian
11 Tribe,

11 Plaintiff,

12 v.

13 BNSF RAILWAY COMPANY, a Delaware
14 corporation,

14 Defendant.

NO. 2:15-cv-00543-RSL

ORDER GRANTING PLAINTIFF'S
MOTION TO SEAL

15
16 This matter comes before the Court on “Plaintiff’s Motion for Leave to File Documents
17 Under Seal.” Dkt. # 132. The materials filed under seal are generally of the type protected from
18 disclosure by 49 U.S.C. § 11904, and defendant has provided redacted versions of Exhibit 52
19 and Exhibit A to the Declaration of Dan Fapp for public viewing. See Dkt. # 139 at 5-23 and
20 25-48. Docket number 133 shall therefore remain under seal.

21 The Court notes, however, that the protections afforded information regarding “the
22 nature, kind, quantity, destination, consignee, or routing of property tendered” to a rail carrier
23 give way where the information is provided “in response to legal process issued under authority
24 of a court of the United States or a State.” 49 U.S.C. § 11904(b) and (c)(1). To the extent the
25 information is necessary to the Court’s resolution of the pending motion for summary judgment
26 and is incorporated in the Court’s order, it may ultimately be disclosed to the public.
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Dated this 10th day of May, 2021.

Robert S. Lasnik

THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE