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

10 KATHERINE MOUSSOURIS, et al.,

11 Plaintiffs,

12 v.

13 MICROSOFT CORPORATION,

14 Defendant.

CASE NO. C15-1483JLR

ORDER ADOPTING REPORT
AND RECOMMENDATION


15 Before the court is Special Master Michelle Peterson's report and recommendation
16 on the following motions to seal: (1) Plaintiffs Katherine Moussouris, Holly Muenchow,
17 and Dana Piermarini's (collectively, "Plaintiffs") motion to seal accompanying their
18 motion for class certification (Pls. MTS (Dkt. # 227)); (2) Defendant Microsoft
19 Corporation's ("Microsoft") motion to seal accompanying its opposition to the Plaintiffs'
20 motion for class certification (Def. MTS (Dkt. # 283)); and (3) Microsoft's motion to seal
21 the Errata to the Expert Report of Dr. Ali Saad (MTS Errata (Dkt. # 333)). (R&R (Dkt.
22 # 351).)

1 Pursuant to Federal Rule of Civil Procedure 53(f), the court must decide de novo
2 all objections to the findings of fact or conclusions of law made or recommended by a
3 special master. Fed. R. Civ. P. 53(f)(3)-(4). Here, neither party objects to any of Ms.
4 Peterson's recommendations. (*See* Dkt.; *see also* R&R at 53 (allowing parties to file
5 objections, if any, no later than February 26, 2018).) The court has reviewed Ms.
6 Peterson's report and recommendation in accordance with Federal Rule of Civil
7 Procedure 53(f), all of the parties' submissions related to the report and recommendation,
8 the relevant portions of the record, and the applicable law. Having done so, the court
9 finds Ms. Peterson's reasoning persuasive in light of the record and independently
10 reaches the same conclusions for the reasons articulated by Ms. Peterson.

11 The court notes that after Ms. Peterson's report and recommendation was filed,
12 Microsoft submitted an additional motion to seal a corrected expert report of Dr. Saad.
13 (MTS Corrected (Dkt. # 353).) Microsoft explained that the previous version of Dr.
14 Saad's report was inaccurate and thus required correction of "certain statistics and
15 calculations"; Microsoft subsequently filed a corrected version of the report, which
16 necessitated an accompanying motion to seal. (*See id.* at 1.) However, Microsoft states
17 that the categories of information it moves to seal "are identical to the categories
18 Microsoft moved to seal" previously and recognizes that Ms. Peterson's report and
19 recommendation has already addressed those categories of information. (*Id.*; *compare*
20 Proposed Order (Dkt. # 283-1), *with* Proposed Order (Dkt. # 353-1).) Thus, the court's
21 final order adopting Ms. Peterson's report and recommendation will also resolve
22 Microsoft's motion to seal the corrected expert report of Dr. Saad.

1 Accordingly, the court ADOPTS the report and recommendation in its entirety
2 (Dkt. # 351) and GRANTS in part and DENIES in part the three motions to seal (Dkt.
3 ## 227, 283, 333), as detailed in Ms. Peterson's report and recommendation. The court
4 additionally GRANTS in part and DENIES in part Microsoft's motion to seal the
5 corrected expert report of Dr. Saad (Dkt. # 353) on the same grounds as Ms. Peterson
6 articulated in her recommendations regarding Dr. Saad's original expert report. The
7 parties and the Clerk are INSTRUCTED to unseal and revise the documents identified by
8 the report and recommendation. The parties are further ORDERED to file revised
9 redacted versions of the motion for class certification and the opposition within ten (10)
10 days of this order.

11 Dated this 1st day of March, 2018.

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13 JAMES L. ROBART
14 United States District Judge
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