UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANDREW COX, et al.	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 1:12-cv-01654-TWP-MJD
	)	
SHERMAN CAPITAL LLC, et al.	)	
	)	
	)	
Defendants.	)	
	)	

ORDER ON PLAINTIFFS' MOTION TO SEAL

This matter comes before the Court on Plaintiffs' Motion for Leave to File Material under Seal Pursuant to Stipulated Protective Order. [Dkt. 329.] Plaintiffs in this motion ask to file their "Response to Defendants' Objection to Magistrate Judge's September 5, 2014 Order on Defendants' Motion for Reconsideration," [Dkt. 328], under seal on the grounds that the response contains information designated confidential by Defendants. [Dkt. 329 at 1.]

Previously in this litigation, the Court has allowed Plaintiffs to file material under seal when the material includes information that, pursuant to the Stipulated Protective Order [Dkt. 73], Defendants have designated confidential. [*See* Dkts. 119, 178, 276, 322.] In such cases, however, the Court has then required Defendants to file contemporaneous motions to 1) keep under seal those portions of Plaintiffs' submissions that Defendants believe should remain sealed; and 2) unseal those portions of Plaintiffs' submissions that Defendants do not believe need to remain sealed. [*Id.*]

The Court will follow the same procedure with Plaintiffs' "Response to Defendants' Objection to Magistrate Judge's September 5, 2014 Order on Defendants' Motion for Reconsideration." The Court therefore **GRANTS** Plaintiffs' Motion for Leave to File Material under Seal Pursuant to Stipulated Protective Order. [Dkt. 329]. The Court **ORDERS** Defendants to file, within seven days of the date of this order, a motion pursuant to Fed. R. Civ. P. 26(c) to seal any specific portions of Plaintiffs' submission that Defendants believe should be maintained by the Court under seal. Such motion shall cite to and comply with the relevant Rules and case law governing such motions. Contemporaneous with that motion to seal, Defendants shall file a motion to unseal any portions of Plaintiffs' submission that Defendants do not believe should be maintained under seal, along with copies of Plaintiffs' brief and any exhibits subject to Defendants' motion to seal, from which only the information Defendants seek to maintain under seal should be redacted, which redacted copies shall not be filed under seal.

Failure by Defendants to timely file the motions required by this order shall result in the unsealing of the related documents.

At this time, the Court will also address its previous order directing Defendants to file motions to maintain documents under seal. On October 10, 2014, the Court granted Plaintiffs' request to file their "Response to Defendants' Supplemental Brief," [Dkt. 283], under seal, and directed Defendants to file, within 7 days, a motion to maintain any portions of that document under seal that Defendants believed should remain sealed. [Dkt. 322.] Defendants have not filed a motion asking to maintain any portion of Plaintiffs' response under seal. In accordance with its previous order, the Court therefore directs the clerk to **UNSEAL** Plaintiffs' "Response to Defendants' Supplemental Brief." [Dkt. 283.]

Finally, the Court notes that Docket No. 315 remains under seal. Pursuant to the Court's order on Defendant's Motion to Seal, [Dkt. 325], the Court directs the Clerk to **UNSEAL** Docket No. 315.

Date: 11/04/2014

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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