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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEW SENSATIONS, INC., a California
corporation,

Plaintiff,

v.

DOES 1-1745,

Defendants.

No. C 10-05863 WHA

**ORDER REGARDING
MOTION FOR
PROTECTIVE ORDER**

On September 6, 2011, a motion was filed by Attorney Jason Sweet on behalf of an anonymous litigant identified only as “John Doe 113” (Dkt. No. 58). The motion is styled as an administrative motion for leave to file under seal pursuant to Civil Local Rule 79-5(b). It is no such motion. It does not comply with the length and form requirements for administrative motions, and it is not supported by a sworn declaration as required for sealing requests. Moreover, it is not limited to requesting permission to file a specific document under seal but instead requests a protective order allowing John Doe 113 to proceed anonymously in this action (Dkt. No. 58-1).

The September 6 filing by Attorney Sweet is hereby deemed a motion for a protective order, not an administrative request to file documents under seal. Unless withdrawn, the motion will be heard at **8:00 A.M. ON OCTOBER 20, 2011**. The motion should be briefed on the schedule set forth in the local rules for all motions noticed on the normal 35-day track.


1 Attorney Sweet is reminded that even if he prevails on the motion, his client’s identity
2 would be protected only from the public — not from the Court or the parties (*see* Dkt. No. 56).
3 Plaintiff has a right to determine whether a litigant claiming to be a particular Doe defendant is in
4 fact the individual plaintiff intends to name. Thus, if John Doe 113 wishes to make an
5 appearance in this action, no request “to protect his identify from being disclosed to the Plaintiff”
6 (Dkt. No. 58 at 1) will be granted. John Doe 113 must disclose his identity to plaintiff in order to
7 participate in plaintiff’s action.

8 * * *

9 Along with the motion for a protective order, Attorney Sweet also lodged redacted and
10 unredacted copies of a second motion. That motion has not been filed. If Attorney Sweet would
11 like the second motion to be briefed and heard concurrently with the motion for a protective
12 order, then he should file the redacted version of the motion in the public docket, along with a
13 proper administrative motion to file the unredacted version under seal in compliance with the
14 local rules.

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16 **IT IS SO ORDERED.**

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18 Dated: September 7, 2011.

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21 WILLIAM ALSUP
22 UNITED STATES DISTRICT JUDGE
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