

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROY BANKS,

Plaintiff,

v.

**OFFICE OF THE SENATE SERGEANT-
AT-ARMS and DOORKEEPER,**

Defendant.

Civil Action No. 03-56 (HHK/JMF)
Civil Action No. 03-686 (HHK/JMF)
Civil Action No. 03-2080(HHK/JMF)

ORDER

On March 18, 2005, plaintiff filed his Notice of Filing Concerning Discovery and Sanctions Pursuant to the Court's February 16, 2005 Order, attaching a letter from defendant's counsel, documents produced by defendant on March 17, 2005, and defendant's supplemental privilege log. Defendant then filed Defendant's Emergency Motion to Seal Certain Documents Attached to Plaintiff's Notice of Filing Concerning Discovery and Sanctions Pursuant to the Court's February 16, 2005 Order, arguing that, although defendant had inadvertently failed to mark the materials as Confidential, they were subject to the Stipulated Protective Order that had been entered in this case. That Order specifically states that "[a]ny failure to designate Confidential Information as "Confidential" may be corrected and the inadvertent failure to designate [such information] as Confidential shall not be deemed a waiver of any privilege or

right.” Stipulated Protective Order at 2.

This court finds that the materials bearing the Bates numbers B1DP002137-2160 fall within the terms of the protective order, and the documents should be sealed immediately. Accordingly, it is, hereby, **ORDERED** that Defendant’s Emergency Motion to Seal Certain Documents Attached to Plaintiff’s Notice of Filing Concerning Discovery and Sanctions Pursuant to the Court’s February 16, 2005 Order¹ [#141] is **GRANTED** and that the Notice of Filing Concerning Discovery and Sanctions Pursuant to the Court’s February 16, 2005 Order² [#139] be **SEALED**. In addition, in the interests of completion and fairness, it is, hereby, **ORDERED** that the following documents and their attachments be **STRICKEN** from the public docket because they reveal some of the contents of the materials that are now being sealed. These documents are:

1. Plaintiff’s Motion and Memorandum in Support for Discovery and Sanctions Pursuant to the Court’s February 16, 2005 Order³ [#135];
2. Plaintiff’s Opposition and Memorandum in Support in Opposition to Defendant’s Emergency Motion to Seal Certain Documents Attached to Plaintiff’s Notice of Filing Concerning Discovery and Sanctions Pursuant to the Court’s February 16,

¹ This motion is also docketed at [#133] in Civil Action No. 03-686 and as [#135] in Civil Action No. 03-2080. These cases were consolidated with Civil Action No. 03-56 for purposes of discovery.

² This notice is docketed at [#131] in Civil Action No. 03-686 and as [#133] in Civil Action No. 03-2080.

³ This motion is also docketed at [#127] in Civil Action No. 03-686 and as [#129] in Civil Action No. 03-2080.

2005 Order⁴ [#142];

3. Plaintiff's Reply in Support of His Motion⁵ [#148]; and

4. Plaintiff's Opposition to Defendant's Motion to File Surreply⁶ [##153/154].

Finally, it is, hereby, **ORDERED** that, within 10 days of this Order, counsel shall re-file these pleadings under seal. In order to create simultaneously a public record, counsel shall also file redacted versions of these pleadings and their attachments and shall designate these documents as such. The redacted versions and exhibits shall use the same initials used by the court in the Memorandum Opinion filed this same day. These initials include S.R., M.K., and K.C, and the court is confident that counsel will easily be able to determine to whom these initials refer after reading the Memorandum Opinion issued May 4, 2005. All references to these individuals, whether in the pleadings or the exhibits thereto, shall be replaced with these initials.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated:

⁴ This opposition is docketed at [#134] in Civil Action No. 03-686 and as [#136] in Civil Action No. 03-2080.

⁵ This reply is docketed at [#140] in Civil Action No. 03-686 and as [#142] in Civil Action No. 03-2080.

⁶ This opposition is docketed at [##145/146] in Civil Action No. 03-686 and as [##147/148] in Civil Action No. 03-2080.