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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT KENNY,

Plaintiff,

v.

PACIFIC INVESTMENT MANAGEMENT
COMPANY LLC, a Delaware limited liability
company; PIMCO INVESTMENTS LLC,

Defendants.

Case No. C14-1987 RSM

ORDER TO SHOW CAUSE RE:
REQUEST TO WITHDRAW RECORDS

On August 8, 2018, the parties filed a stipulation of dismissal with prejudice, citing Rule 41(a)(1)(A)(ii). Dkt. #243. Accordingly, this action is dismissed with prejudice. This takes effect without a court order. All pending motions will be terminated as moot.

The stipulation also provided notice that the parties intend to withdraw their pending cross-motions for summary judgment, Dkts. #154 and #162, and all supporting materials. Although this would normally be unnecessary in a dismissed case, an explanation arrives in the following sentence: “For the avoidance of doubt, pursuant to LCR 5(g)(6), in light of their withdrawal, the parties request that material currently filed under seal remain sealed.” *Id.* at 2.

1 Local Rule 5(g)(6) states:

2 When the court denies a motion to seal, the clerk will unseal the
3 document unless (1) the court orders otherwise, or (2) the party
4 who is relying on the sealed document requests in the motion to
5 seal or response that, if the motion to seal is denied, the court
6 withdraw the document from the record rather than unseal it. If a
7 document is withdrawn on this basis, the parties shall not refer to it
8 in any pleadings, motions or other filings, and the court will not
9 consider it. For this reason, parties are encouraged to seek a ruling
10 on motions to seal well in advance of filing underlying motions
11 relying on those documents.

12 This rule does not apply. The Court has “denied a motion to seal,” but the parties who are
13 relying on the sealed documents have not requested “*in the motion to seal or response that...*
14 *the court withdraw the document from the record rather than unseal it.*” The parties had the
15 opportunity in numerous motions to seal and responses to motions to seal to cite to this rule and
16 request that the court withdraw the documents at issue rather than unseal. The parties did not
17 take advantage of those opportunities. Such a request made now, after the Court has ruled on
18 the motions to seal and after this case has been dismissed, is not permitted by this Local Rule.
19 The Court believes that such a request is contrary to the “strong presumption of public access to
20 the court’s files.” *See* LCR 5(g).

21 The Court has ordered Plaintiff to file new unsealed or redacted version of the
22 documents at issue by August 10, 2018. *See* Dkts. #238 and #242. However, given the clear
23 importance of this issue to the parties, the Court will further extend that deadline to allow the
24 parties a final chance to explain why they should be permitted to withdraw the documents from
25 the record rather than have the Court unseal them.

26 The Court hereby finds and ORDERS that the parties shall each file a Response to this
27 Order to Show Cause containing the detail described above no later than **seven (7) days** from
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1 the date of this Order. Each Response is not to exceed three (3) pages. Attachments are not
2 permitted.

3 DATED this 9th day of August 2018.

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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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