

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MARTIN S. BURGER, :  
 :  
 Plaintiff, :  
 :  
 v. : CASE NO. 3:08-CV-1573 (RNC)  
 :  
 THE NIA GROUP, et al. :  
 :  
 Defendants. :

ORDER

The parties' Joint Motion for Stipulated Protective Order (doc. #43) is granted with the following clarifications.

In order to have any part(s) of a document filed under seal, a party must (1) file a public version of the document that does not contain the part(s) in question and (2) make a motion in accordance with District of Connecticut Local Civil Rule 5(e) that specifies the part(s) to be kept under seal and, with respect to each part, makes a particularized showing of good cause for departing from the strong presumption against sealing. See Hartford Courant Co. v. Pellegrino, 380 F.3d 83, 95-96 (2d Cir. 2004) (judicial records may be sealed only when and to the extent necessary to preserve higher values). This requires a careful review of each part of a document a party wishes to file under seal to ensure that the requested sealing order is no broader than necessary. See United States v. Amodeo, 71 F.3d 1044, 1050-51 (2d Cir. 1995). Agreement of the parties to a

proposed sealing order is not a sufficient basis for granting such an order.

Moreover, the court's assent to the parties' request for a protective order to govern the disclosure and use of assertedly confidential information does not mean that courtroom proceedings will be closed to members of the public. Courtroom proceedings are presumptively open to the public, and no closure order will be entered in this case except on a specific written request of a party supported by a showing of sufficient cause.

SO ORDERED at Hartford, Connecticut this 20<sup>th</sup> day of May, 2009.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge