

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

HEARTLAND SURGICAL)	
SPECIALTY HOSPITAL, LLC,)	
Plaintiff,)	
)	
v.)	Case No. 05-CV-2164-MLB-DWB
)	
MIDWEST DIVISION, INC.)	
d/b/a HCA MIDWEST)	
DIVISION, <i>et al.</i>)	
Defendants.)	
_____)	

ORDER

Before the Court is Defendants' Motion for Leave to File Under Seal (Doc. 473) Defendants' Exhibit B¹ to Its Joint Reply Concerning Defendants' Motion to Compel Plaintiff to Produce a Rule 30(b)(6) Witness with Knowledge of Its Production of Documents. Plaintiff has responded and Objects to the filing of the Exhibit B as unnecessary, or, in the alternative, requests that Exhibit B be filed under seal because it contains information designated as Confidential Information - Attorneys Eyes Only. (Doc. 498).

While the Court has some question about whether it is necessary to file all or

¹ The Exhibit B which Defendants propose to file under seal is a compact disk containing a copy of Defendants' reply brief in pdf format with hyperlinks to video deposition excerpts from the deposition of Mary Nan Holley which are cited in the brief. Defendants have already filed the reply brief and Exhibit A electronically. (Doc. 409.)

any specific part of this exhibit under seal, the continuous filing of these motions to seal are ultimately delaying the timely resolution of the underlying discovery motions. Therefore, in order to decide the underlying discovery motions, the motion to seal will be TEMPORARILY granted.²

IT IS THEREFORE ORDERED that Defendants' Motion for Leave to File Under Seal (Doc. 473) Defendants' Exhibit B to Its Joint Reply Concerning Defendants' Motion to Compel Plaintiff to Produce a Rule 30(b)(6) Witness with Knowledge of Its Production of Documents is GRANTED as set forth in this Order, and the Court will file the Exhibit B under seal temporarily in conventional format.

IT IS FURTHER ORDERED that this conventional filing of Exhibit B shall be retained in an envelope marked "Filed Under Seal Pursuant to Court Order" and shall be retained in the Clerk's Office in the U.S. Courthouse in Kansas City, Kansas. All counsel of record have previously been provided with copies of this

² Plaintiff's objection to the motion to file conventionally a copy of Defendants' brief on a compact disk with hyperlinks to video deposition excerpts is based on the Court's Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil Cases (Rev. Aug. 2, 2005) ("Administrative Procedures). Plaintiff urges that nothing in the Administrative Procedures allows the filing of such an exhibit conventionally. The Administrative Procedures, however, specifically provide that "any judge may deviate from these procedures without prior notice if deem appropriate" Administrative Procedures at 4, ¶ 7.

Exhibit B.

Dated this 9th day of April, 2007.

s/ DONALD W. BOSTWICK
U.S. MAGISTRATE JUDGE