

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 16-21199-CIV-ALTONAGA/O'Sullivan

ANDREA ROSSI, et al.,

Plaintiffs,

v.

THOMAS DARDEN, et al.,

Defendants.

ORDER

THIS CAUSE came before the Court upon Plaintiffs, Andrea Rossi and Leonardo Corporation's Motion to Seal Pursuant to Order their Motion for Sanctions with Attached Exhibits ("Motion to Seal") [ECF No. 160]. Plaintiff wish to file their Motion for Sanctions for Bad Faith Litigation Conduct ("Motion for Sanctions") [ECF No. 161] under seal on the basis the Motion for Sanctions and its attached exhibits contain information marked confidential by the parties and include names of certain individuals who would be harmed by the public disclosure. (*See* Seal Mot. 2).

Pursuant to Local Rule 5.4, a party seeking to make a filing under seal must contemporaneously file a motion to seal "that sets forth the factual and legal basis for departing from the policy that Court filings be public." S.D. FLA. L.R. 5.4(b). "It is the Court's general policy that all documents filed with the Court are public absent extraordinary circumstances." *Butler v. Oak St. Mortg., LLC*, No. 06-80604-CIV, 2006 WL 5519070, at *5 (S.D. Fla. Dec. 22, 2006); *see also Schojan v. Papa John's Int'l, Inc.*, No. 8:14-cv-1218-T-33MAP, 2014 WL 4674340, at *2 (M.D. Fla. Sept. 18, 2014) (noting "the law of the Eleventh Circuit requires a strong showing by the proponent of a motion to seal before the Court will deny public access to

CASE NO. 16-21971-MC-ALTONAGA/O'Sullivan


judicial proceedings” (citing *Brown v. Advantage Eng'g, Inc.*, 960 F.2d 1013 (11th Cir. 1992))).
Notwithstanding their statements to the contrary, the Court does not find the Motion for Sanctions contains confidential information warranting a departure from this general policy.

Being fully advised, it is

ORDERED AND ADJUDGED as follows:

1. The Motion to Seal [ECF No. 160] is **DENIED**.
2. The Motion for Sanctions [ECF No. 161] and its attached exhibits are **STRICKEN**.
3. This Order shall not be filed under seal.

DONE AND ORDERED in Miami, Florida this 9th day of March, 2017.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record