

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

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2/28/2012

LOUIS ALEKSICH, RAINELLE)
ALEKSICH and BRENT ALEKSICH,)

CV- 91-05-BU-RFC

Plaintiffs,)

ORDER

vs.)

REMINGTON ARMS CO., INC., and)
E. I. DuPONT DE NEMOURS & CO.,)

Defendants.)
-----)

The instant case has been under seal since it was last active over fifteen years ago. In preparation for Barber's anticipated motion to unseal the court record (*see doc. 424*), the Court undertook a review of the file to determine when and why it was sealed.

On May 11, 1995 Judge Hatfield entered an Order memorializing the fact that the case had settled just before trial. *Doc. 389*. Judge Hatfield further noted that as part of the settlement, Plaintiffs agreed to withdraw a motion for sanctions it had filed against Defendants and the parties agreed to jointly file a stipulation for dismissal. Since both documents had been filed, Judge Hatfield granted both motions. With respect to the motion for sanctions, Judge Hatfield ordered that the substance of all discussions occurring regarding that motion was to remain

confidential and not be disclosed to anyone not involved in this litigation. Judge Hatfield further ordered that the entire case file be sealed, that the terms of the settlement remain confidential, that a violation of the confidentiality order would be punished by contempt of court, and that the case be dismissed on the merits with prejudice. *Doc. 389.*

On August 3, 1995, Judge Hatfield modified the May 11, 1995 Order so that an official transcript of the March 28, 1995 court proceedings could be created. *Doc. 399.* That transcript was to remain confidential.

On December 22, 1995, Judge Hatfield entered a third Order vacating that portion of the May 11, 1995 Order sealing the entire case. *Doc. 406.* In place of the directive to seal the entire case, the Clerk of Court was directed to maintain only the following under seal:

(i) the transcript generated by the court reporter charged with responsibility of recording any and all proceedings that occurred in this action;

(ii) all documents, including the present Order, relating to the defendants' application for order to show cause and for finding of contempt filed July 11, 1995 (specifically those documents commencing with that document enumerated No. 399 through 405, and including the present Order).

Doc. 406. The transcript referred to in paragraph "(i)" was subsequently filed as document number 410. It appears from the docket sheet that the case was

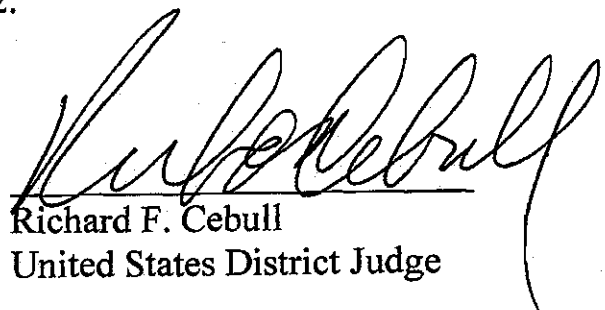
unsealed on this date. *Doc. 406.*

Although there are no further orders addressing the sealing of the case, a January 9, 1996 docket entry provides that because of a request in the Notice of Appeal, the “appeal portions of file [were to] remain under seal during pendency of appeal ...” It appears the case was sealed again on that date and that it remained sealed until now.

As the Court reads the docket sheet and the Orders of Judge Hatfield, there is no reason for sealing the entire case. Since there is no longer an appeal pending, there is no need to seal the “appeal portions of the file” as noted in the January 9, 1996 docket entry. Moreover, Judge Hatfield unambiguously vacated that portion of his May 11, 1995 order sealing the entire case. *Doc. 406.* The only portions of this file which should remain sealed are those identified in the final paragraphs of the December 22, 1995 Order. *Id.*

Accordingly, the Clerk of Court is **HEREBY ORDERED** to unseal this file, except for docket numbers 399-406 and 410.

Dated this 27th day of February, 2012.


Richard F. Cebull
United States District Judge