

**U.S. District Court
District of Columbia**

Notice of Electronic Filing

The following transaction was entered on 4/5/2018 at 6:53 PM and filed on 4/5/2018

Case Name: U.S. DEPARTMENT OF TREASURY v. BLACK et al

Case Number: [1:12-mc-00100-EGS](#)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER. Upon consideration of the parties' arguments and the applicable law, the Court DENIES [71] respondents' motion to file an ex parte submission in support of their motion to compel. See *Abourezk v. Reagan*, 785 F.2d 1043, 1060 (D.C. Cir. 1986) ("It is a hallmark of our adversary system that we safeguard party access to the evidence tendered in support of a requested court judgment."); *Gilmore v. Palestinian Interim Self Government Authority*, 843 F.3d 958, 967 (D.C. Cir. 2016) ("ex parte proceedings should be employed to resolve discovery disputes only in extraordinary circumstances"). Here, there are no extraordinary circumstances justifying an ex parte submission. Indeed, the only adverse consequence of disclosure that respondents point to is that they may be required to disclose their litigation strategy prior to summary-judgment briefing in the underlying litigation. The Court finds that a submission made under seal and pursuant to a protective order that provides that only petitioner and respondents -- and not the Pension Benefit Guaranty Corporation -- may access the document could sufficiently protect respondents' interests in the underlying case. Accordingly, the parties are directed to submit any objections to this Order or, in the alternative, a proposed protective order by no later than April 11, 2018.

Signed by Judge Emmet G. Sullivan on April 5, 2018. (lcegs2)

#