

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>BASSIL ALLY,</b>	)	<b>CASE NO.4:09CV1144</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>Vs.</b>	)	
	)	
<b>CITY OF YOUNGSTOWN, ET AL.,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J:**

This matter is before the Court on the Islamic Society of Greater Youngstown’s Motion to Clarify (ECF # 174) and the City of Youngstown’s Motion to Show Cause (ECF # 175). In its Motion to Show Cause, the City of Youngstown alleges the Islamic Society of Greater Youngstown and its counsel Scott Cochran violated the Court’s Order of February 13, 2012, when it allegedly disseminated documents to a Youngstown newspaper subject to the protective order in the above case. The Islamic Society requests clarification of the Court’s Order contending it was unclear whether dissemination of documents that were not filed under seal was improper until redactions and certifications were made.

The Court denies the Islamic Society’s Motion to Clarify. The plain language of the

order prohibiting the dissemination of any materials prior to the appropriate filing of redactions and certifications is not unclear. The Order reads in pertinent part:

While the parties may agree to disclose whatever documents, evidence or information they obtained during the discovery process, and waive any privileges in the unsealing of sealed court documents, the parties are not free to disclose, and there exists strong privacy interests, concerning certain personal information of parties and non-parties.

It further held:

Therefore, before the Court permits the dissemination of materials subject to the protective order or unseals the remaining sealed documents, the parties are ordered to review the materials submitted under seal and shall redact all information that is prohibited by federal and state law or the Court's local rules from disclosure.

Therefore, it is clear from the Court's Order that no materials whether sealed or subject to the protective order should have been disseminated until the parties had filed with the Court the ordered certifications and redactions. Furthermore, the time to seek clarification was before dissemination, not after.

Concerning the City of Youngstown's Show Cause Motion, while the City of Youngstown now cries foul for the alleged dissemination by the Islamic Society of protected work product, the Court reiterates that no such objection was raised in response to the Islamic Society's Motion to Intervene. Youngstown expressly stated it did not object to removing the seal on the documents and modifying the protective order to permit dissemination to third parties. "The City of Youngstown and Jay Macejko do not oppose ISGY's motion to Modify the Protective Order." (Youngstown's response ECF # 168). Youngstown only expressed a desire that the Court hold an oral hearing to "review the material *in camera* for confidential medical information about city employees captured on the audio tapes and in deposition

transcripts; or any other privileged communications.” *Id.* It is the parties’ obligation to make sure such information is not produced to the public, and it is the obligation of the parties, not the Court, to assert work product and other privileges to documents filed or exchanged. The above statement wholly fails to assert a work product privilege to the production of documents either filed with the Court or exchanged in discovery.

The Court orders all oppositions to the City of Youngstown’s Motion to Show Cause be filed no later than February 29, 2012. The Court will decide at that time whether it will hold a hearing on the Motion.

IT IS SO ORDERED.

S/Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge

February 22, 2012