UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-80495-CV-Marra/Matthewman

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

vs.

OCWEN FINANCIAL CORPORATION,
OCWEN MORTGAGE SERVICING, INC., and
OCWEN LOAN SERVICING, LLC,

Defendants.
_____/

FILED by D.C.
MAY 07 2018
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

ORDER REGARDING REQUEST TO UNSEAL

THIS CAUSE is before the Court *sua sponte*. Currently, Docket Entries 87 and 88 are sealed based upon a motion filed by third-party Altisource Solutions, Inc. ("Altisource"), which motion was consented to by the parties in this case. [DE 80]. The Court granted Altisource's motion pursuant to Local Rule S.D. Fla. 5.4 and applicable case law. [DE 86].

The Court notes that information exchanged during pretrial discovery is not generally considered to be public information and can be restricted upon a showing of good cause. *See Seattle Times Co. v. Rhinehart,* 467 U.S. 20, 33, 104 S.Ct. 2199, 81 L.Ed.2d 17 (1984); *Cipollone v. Liggett Group, Inc.,* 785 F.2d 1108, 1119 (3d Cir.1986). Further, a district court may in its discretion enter a protective order shielding discovery materials from public disclosure upon a showing of good cause and when the balance of interests favor entering the order. *See Chi. Tribune Co. v. Bridgestone/Firestone, Inc.,* 263 F.3d 1304, 1313 (11th Cir. 2001); *Farnsworth v. Procter & Gamble Co.,* 758 F.2d 1545, 1547 (11th Cir.1985). Because trial courts are "in the best position to weigh fairly the competing needs and interests of parties affected by discovery" and because of "[t]he unique character of the discovery process," trial courts have "substantial latitude" to determine when a protective order is appropriate and what degree of protection is required. *Emess Capital, LLC v.*

Rothstein, 841 F. Supp. 2d 1251, 1254 (S.D. Fla. 2012) (citing *Seattle Times Co.*, 467 U.S. at 36, 104 S.Ct. 2199).

A member of the public has requested that the sealed filings in this case[1] be unsealed, as per the email correspondence contained in Attachment A to this Order. Accordingly, the Court requests that Plaintiff Consumer Financial Protection Bureau; Defendants Ocwen Financial Corporation, Ocwen Mortgage Servicing, Inc., and Ocwen Loan Servicing, LLC; and third-party Altisource Solutions, Inc. each publicly file a response stating their positions as to the request to unseal on or before **Friday, May 18, 2018**.[2]

Since counsel for third-party Altisource Solutions, Inc. has not filed a notice of appearance in this case, the Clerk of Court is **DIRECTED** to mail a copy of this Order to its counsel, Douglas C. Drier, Esq., of Gibson, Dunn, and Crutcher, LLP, 1050 Connecticut Avenue, N.W., Washington D.C. 20036. If counsel for third-party Altisource Solutions, Inc. wishes to receive electronic notices of filing in this case, counsel must promptly file a notice of appearance in this case.

DONE AND ORDERED in Chambers this 7th day of May, 2018 at West Palm Beach, Palm Beach County in the Southern District of Florida.

WILLIAM MATTHEWMAN
UNITED STATES MAGISTRATE JUDGE

[1]Currently, DE 87 and DE 88 are sealed.
[2] The parties and non-party Altisource Solutions, Inc. may alternatively file one joint public response stating their respective positions if they wish to do so.

ATTACHMENT

A

Re: 9:17-cv-80495
Court Administrator FLSD to: John Wilen 05/04/2018 09:03 AM
Sent by: Catherine Wade
Cc: "adam.cohen@cfpb.gov", "amanda.roberson@cfpb.gov", "atur.desai@cfpb.gov", "BerryB@gtlaw.com", "CAzuero@goodwinlaw.com",

From: Court Administrator FLSD/FLSD/11/USCOURTS
To: John Wilen <John.Wilen@acuris.com>
Cc: "adam.cohen@cfpb.gov" <adam.cohen@cfpb.gov>, "amanda.roberson@cfpb.gov" <amanda.roberson@cfpb.gov>, "atur.desai@cfpb.gov" <atur.desai@cfpb.gov>, "BerryB@gtlaw.com" <BerryB@gtlaw.com>, "CAzuero@goodwinlaw.com"
Sent by: Catherine Wade/FLSD/11/USCOURTS
History: This message has been forwarded.

Mr. Wilen -- The Local Rules for the Southern District of Florida may be found on our website (www.flsd.uscourts.gov) under Court Info. Scroll to the bottom of the tab under that section and you will see the link for Local Rules and Procedures. Or simply search "Local Rules" in the search box. Beyond that, I cannot provide any further information other than that contained in my original email to you.

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Steven M. Larimore
Court Administrator - Clerk of Court
United States District Court
Southern District of Florida
****

John Wilen I'm not a lawyer, so I don't know what "Local Rul... 05/03/2018 05:02:11 PM

From: John Wilen <John.Wilen@acuris.com>
To: "Court-Admin_FLSD@flsd.uscourts.gov" <Court-Admin_FLSD@flsd.uscourts.gov>, "matthewman@flsd.uscourts.gov" <matthewman@flsd.uscourts.gov>
Cc: "jean.healey@cfpb.gov" <jean.healey@cfpb.gov>, "adam.cohen@cfpb.gov" <adam.cohen@cfpb.gov>, "amanda.roberson@cfpb.gov" <amanda.roberson@cfpb.gov>, "atur.desai@cfpb.gov" <atur.desai@cfpb.gov>, "erin.kelly@cfpb.gov" <erin.kelly@cfpb.gov>, "james.savage@cfpb.gov" <james.savage@cfpb.gov>, "jan.singelmann@cfpb.gov" <jan.singelmann@cfpb.gov>, "lawrence.wagman@cfpb.gov" <lawrence.wagman@cfpb.gov>, "tianna.baez@cfpb.gov" <tianna.baez@cfpb.gov>, "BerryB@gtlaw.com" <BerryB@gtlaw.com>, "mprevin@buckleysandler.com" <mprevin@buckleysandler.com>, "srosesmith@goodwinlaw.com" <srosesmith@goodwinlaw.com>, "thefferon@goodwinprocter.com" <thefferon@goodwinprocter.com>, "weina@gtlaw.com" <weina@gtlaw.com>, "CAzuero@goodwinlaw.com" <CAzuero@goodwinlaw.com>
Date: 05/03/2018 05:02 PM
Subject: Re: 9:17-cv-80495

I'm not a lawyer, so I don't know what "Local Rule 5.4" is. If I'm understanding your carefully-worded legalese, what you're saying is that for me to read filings and orders in a federal lawsuit, I have to HIRE a lawyer and have that lawyer file a motion asking that I and others be able to access and read filings and orders in the lawsuit? And then what, the person(s) who are trying to hide something file a counter motion, then we all show up in court

and argue the merits of my request? Seems a little burdensome. Almost contrary to the spirit of open government.

Consider this my request for relief: Please unseal these and any other documents, filings and orders in this case, as they are of great public interest. Please don't make me and other journalists lawyer up to get access to filings and orders to which we should have free and unfettered access.

John Wilen
Managing Editor
Debtwire ABS
(954) 462-0298 (office)
(215) 760-0688 (cell)

From: Steven_Larimore@flsd.uscourts.gov <Steven_Larimore@flsd.uscourts.gov> on behalf of Court-Admin_FLSD@flsd.uscourts.gov <Court-Admin_FLSD@flsd.uscourts.gov>
Sent: Thursday, May 3, 2018 4:42:07 PM
To: John Wilen
Cc: jean.healey@cfpb.gov; adam.cohen@cfpb.gov; amanda.roberson@cfpb.gov; atur.desai@cfpb.gov; erin.kelly@cfpb.gov; james.savage@cfpb.gov; jan.singelmann@cfpb.gov; lawrence.wagman@cfpb.gov; tianna.baez@cfpb.gov; BerryB@gtlaw.com; mprevin@buckleysandler.com; srosesmith@goodwinlaw.com; thefferon@goodwinprocter.com; weina@gtlaw.com; CAzuero@goodwinlaw.com
Subject: 9:17-cv-80495

"This email has been received from an external source – please review carefully before clicking on any links or opening attachments"

Mr. Wilen -- Magistrate Judge Matthewman has referred your email to the Clerk's Office for a response, and asked that the response also be copied to counsel in the case. Please be advised that matters may be sealed pursuant to Motion and Order as set forth in Local Rule 5.4. Requests to unseal or for access to filings that have been previously sealed must be addressed to the Court by way of a Motion to Unseal or other request for relief. Thank you.

****

Steven M. Larimore
Court Administrator - Clerk of Court
United States District Court
Southern District of Florida

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From: "John Wilen" <John.Wilen@acuris.com>
Date: May 2, 2018 at 12:01:32 PM EDT
To: "matthewman@flsd.uscourts.gov" <matthewman@flsd.uscourts.gov>
Subject: 9:17-cv-80495-KAM

Judge Matthewman: I am a journalist who has been (attempting) to follow this case closely. Today I learned why I have received no filing alerts for some time; all of the recent filings — including orders — have been sealed. Why is this? This case is of great national importance, and of particular interest to my publication's subscriber base. How can I go about getting access to these filings and orders? Thank you.

Date Filed	#	Docket Text
04/10/2018		SYSTEM ENTRY - Docket Entry 88 [order] res
04/09/2018		SYSTEM ENTRY - Docket Entry 87 [motion] r
04/09/2018	85	ENDORSED ORDER granting 82 Motion to Ap Motion to Appear Pro Hac Vice, Consent to Des Consent to Designation, and Request to Electror
04/06/2018		SYSTEM ENTRY - Docket Entry 86 [order] res
04/06/2018		SYSTEM ENTRY - Docket Entry 80 [motion] r

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Incorporated in Delaware with company number 5447335

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