

JAN 24 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAURIE JONES, individually and as
Personal Representative of the Estate of
Christopher Jones, deceased,

Plaintiff,

and

DIANE KARSTEN; PAULA MESERVE,

Intervenors - Appellants,

v.

AVIDYNE CORPORATION,

Defendant - Appellee.

No. 10-35968

D.C. No. 3:06-cv-01656-ST

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted January 12, 2012**
Seattle, Washington

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes that this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: O'SCANNLAIN and RAWLINSON, Circuit Judges, and MOLLOY,
District Judge.***

Diane Karsten and Paula Meserve contend that the magistrate judge erred in ordering them and other nonparties to return unredacted copies of a show-cause hearing transcript. We disagree. Karsten and Meserve waived any objection to the redactions, *see Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210 (9th Cir. 2002), and, in any event, the redaction order accorded with the common law right of access, *see Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137–38 (9th Cir. 2003). Because the redactions were proper, the magistrate judge had authority to order the return of unredacted copies of the transcript. The district court properly affirmed that order.

AFFIRMED.

*** The Honorable Donald W. Molloy, United States District Judge for the District of Montana, sitting by designation.