

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
 :
 -v- :
 :
 SUBURBAN CARTING CORP. et al., :
 :
 Defendants. :
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96 Cr. 466 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

The Court has received the final Monitor's Report on Allied Waste Inc.'s Valley Carting Division dated January 13, 2004 (the "Report"). By letter dated January 13, 2004, the Monitor requested that there be sealed: (1) certain portions of a deposition referred to in footnote 4 on page 3 of the Report and attached to the Report; and (2) the second paragraph of footnote 20 on page 19 of the Report. By letter dated February 9, 2004, Allied Waste asked to have the entire Report sealed on the ground that some of its allegations are, according to Allied Waste, misleading, inaccurate, and unduly critical of Allied Waste. In a responding letter dated February 11, 2004, the Monitor denied any inaccuracy and opposed further sealing, and the Government, by letter dated February 11, 2004, also opposed sealing except in the slight respects requested by the Monitor.

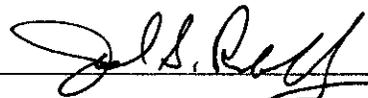
The Court has repeatedly ruled, both orally and in writing, that, in light of the public interest in this case, only highly confidential information be redacted from the publicly-filed versions of the Monitor's various reports. The only portions of the instant Report that meet this standard are the

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two portions referred to in the Monitor's letter dated January 13, 2004. The Court therefore denies Allied Waste's request to seal the entire Report and grants the Monitor's two requests for sealing.¹

Accordingly, the Clerk of the Court is hereby directed to file in the public record the version of the Report on Allied Waste Inc.'s Valley Carting Division that is being submitted to the Clerk of the Court contemporaneously with this Order and that redacts only the two small portions referenced above. The Court further directs the Clerk of the Court to file under seal the unredacted version of the Monitor's Report on Allied Waste Inc.'s Valley Carting Division, which will be separately submitted shortly. Finally, the Court directs the Clerk of the Court to file in the public record the letter from Allied Waste dated February 9, 2004, the letter from the Government dated February 11, 2004, and the Monitor's letters of January 13, 2004 and February 11, 2004, which are also being submitted contemporaneously with this Order.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

¹ The Court also denies, both as untimely and as inconsistent with the Court's stated policy on redaction, the request of Allied Waste to file a response to the Monitor's Investigative Report Concerning Metro Enviro Transfer LLC, which was filed publicly on January 27, 2003, more than a year ago.

Dated: New York, New York
February 13, 2004