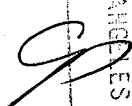


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2014 AUG 25 PM 4: 29
 SUPERIOR COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES
 EVC


FILED

8 Attorneys for Defendants
 9 Warner/Chappell Music, Inc. and
 Summy-Birchard, Inc.

11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

13 GOOD MORNING TO YOU
 PRODUCTIONS CORP.; et al.,
 14
 Plaintiffs,
 15
 v.
 16 WARNER/CHAPPELL MUSIC, INC.,
 17 et al.,
 18 Defendants.

Lead Case No. CV 13-04460-GHK
 (MRWx)

**DEFENDANTS' APPLICATION TO
 FILE UNDER SEAL EXHIBITS B
 AND C TO THE DECLARATION
 OF KELLY M. KLAUS IN
 SUPPORT OF DEFENDANTS'
 OPPOSITION TO PLAINTIFFS'
 MOTION FOR REVIEW OF
 MAGISTRATE JUDGE WILNER'S
 ORDER RE: DISCOVERY
 MOTION DENYING PLAINTIFFS'
 MOTION TO OVERRULE
 DEFENDANTS' CLAIM OF
 ATTORNEY-CLIENT PRIVILEGE**

Date: September 15, 2014
 Time: 9:30 a.m.
 Judge: Hon. George H. King,
 Chief Judge
 Courtroom: 650
 Disc. Cutoff: July 11, 2014
 Pretrial Conf.: N/A
 Trial Date: N/A
 L/D File Jt. MSJ: Nov. 14, 2014

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1 **TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE**
2 **COUNSEL OF RECORD:**

3 Pursuant to Central District of California Civil Local Rule 79-5.1, the
4 Protective Order approved and entered by this Court on May 5, 2014 (Dkt. No. 98),
5 and the Magistrate Judge's Order sealing the same documents (Dkt. NO. 136) in the
6 above-captioned action, Defendants Warner/Chappell Music, Inc. and Summy-
7 Birchard, Inc. (jointly, "Warner/Chappell") hereby request an order permitting the
8 following to be filed under seal: Exhibits B and C to the Declaration of Kelly M.
9 Klaus in Support of Defendants' Opposition to Plaintiffs' Motion for Review of
10 Magistrate Judge Wilner's Order Re: Discovery Motion Denying Plaintiffs' Motion
11 to Overrule Defendants' Claim of Attorney-Client Privilege ("Klaus Declaration").

12 This application is based on the Klaus Declaration, an earlier order by the
13 Magistrate Judge sealing the documents at issue, and any other information that the
14 Court deems appropriate. Exhibits B and C to the Klaus Declaration consist of the
15 membership agreements between Warner/Chappell or its predecessor and ASCAP,
16 which agreements Warner/Chappell maintains as private and confidential. Klaus
17 Declaration ¶¶ 12-13. Warner/Chappell timely designated these documents as
18 "Confidential" under the Protective Order at the time that Warner/Chappell
19 produced the documents in this litigation. *Id.* ¶ 9. "When a court grants a protective
20 order for information produced during discovery, it already has determined that
21 'good cause' exists to protect this information from being disclosed to the public by
22 balancing the needs for discovery against the need for confidentiality." *Phillips ex*
23 *rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002).

24 Exhibits B and C to the Klaus Declaration were also attached to the Sealed
25 Document – Declaration of Kelly M. Klaus in Support of Defendant's Opposition to
26 Plaintiffs' Motion for Order (i) Overruling Defendants' Claim of Privilege in
27 Documents Produced By a Non-Party, or Permitting a Second Rule 30(b)(6)
28 Deposition to Determine the Factual Basis for that Claim; (ii) Granting Relief from

1 the Discovery Cutoff to Conduct that Deposition, Dkt. No. 136 as Exhibits C and D,
2 and were sealed by Order Magistrate Judge Wilner. *See* Dkt. No. 136.

3 Therefore, in order to ensure compliance with the Magistrate Judge's Order
4 sealing these exhibits and with the Court's Protective Order, and in order to
5 maintain the confidentiality of information that Warner/Chappell considers to be
6 private and confidential, Warner/Chappell submits Exhibits B and C to the Klaus
7 Declaration under seal and respectfully requests that the Court grant this
8 Application.

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10 DATED: August 25, 2014

MUNGER, TOLLES & OLSON LLP

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By: 

KELLY M. KLAUS

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Attorneys for Defendants Warner/Chappell
Music, Inc. and Summy-Birchard, Inc.

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