| 1 2 3 4 5 6 7 8 | Neil A. Goteiner (State Bar No. 083524) ngoteiner@fbm.com Dennis M. Cusack (State Bar No. 124988) dcusack@fbm.com Carly O. Alameda (State Bar No. 244424) calameda@fbm.com Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 Telephone: (415) 954-4400 Facsimile: (415) 954-4480 Attorneys for Plaintiff COUPONS, INC. | |
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| 10 | UNITED STATES DISTRICT COURT | |
| 10 | NORTHERN DIS | TRICT OF CALIFORNIA |
| 12 | SAN JO | DSE DIVISION |
| 13 | | |
| 14 | COUPONS, INC., | Case No. 5:07-CV-03457 HRL |
| 15 | Plaintiff, | PLAINTIFF COUPONS, INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL |
| 16 | vs. JOHN STOTTLEMIRE, | Date: February 24, 2009 |
| 17 | Defendant | Time: 10:00 a.m. Courtroom: 2 |
| 18 | | Judge: Honorable Howard R. Lloyd |
| 19 | | |
| 20 | Pursuant to Federal Rule of Civil Proc | cedure 26(c) and N.D. Cal. Civil L.R. 7-11 and 79-5, |
| 21 | plaintiff Coupons, Inc. ("Coupons") hereby re | equests permission to file under seal the Declaration |
| 22 | of Steven Boal in Opposition to Defendant's | Motion to Summarily Enforce the Settlement |
| 23 | Agreement, paragraphs 16-23, dated February | y 3, 2009. Coupons' Administrative Motion is based |
| 24 | upon this Motion, the Declaration of Dennis | Cusack in Support of Administrative Motion to File |
| 25 | Under Seal, and the [Proposed] Order Grantin | ng Coupons' Administrative Motion to File Under |
| 26 | Seal. | |
| 27 | C C | that a court order authorizing the sealing of a |
| 28 Farella Braun & Martel LLP | document is proper when the requesting party | v establishes that the document contains information |
| 235 Montgomery Street, 17th Floor San Francisco, CA 94104 (415) 954-4400 | PLAINTIFF'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL 5:07-CV-03457 HRL | |

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| 1 | that is privileged and subject to protection as a trade secret or otherwise entitled to protection |
|---|--|
| 2 | under the laws. |
| 3 | Coupons has lodged the specified portions of Mr. Boal's declaration under seal As set |

| 3 | Coupons has louged the specified polytons of Mr. Boar's decharation under sear. As set |
|---|--|
| 4 | forth in the accompanying Cusack Declaration, such information is entitled to protection because |
| 5 | the redacted portions contain sensitive business information and communications that were made |
| 6 | in a confidential manner. Coupons has included this information in support of its opposition to |
| 7 | Stottlemire's motion in response to the Court's request to explain the prejudice to Coupons that |
| 8 | Stottlemire's fraud and breach have created. |
| | |

9 The public dissemination of this information, however, would serve to further prejudice
10 Coupons' business interests. The probability of Stottlemire publicizing this information
11 significantly increases without the Court entering the requested sealing order. Stottlemire's
12 actions to date leave little doubt of this risk of publication absent a sealing order.

For the foregoing reasons, Coupons respectfully requests that the Court enter an order
allowing it to file under seal the Declaration of Steven Boal in Opposition to Defendant's Motion
to Summarily Enforce the Settlement Agreement, paragraphs 16-23.

17 Dated: February 3, 2009

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FARELLA BRAUN + MARTEL LLP

By: /s/ Dennis M. Cusack

Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 (415) 954-4400

PLAINTIFF'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL 5:07-CV-03457 HRL