

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-01210-RM-NYW

MY24HOURNEWS.COM, INC.,

Plaintiff,

v.

AT&T CORPORATION,

Defendant.

MINUTE ORDER

Entered By Magistrate Judge Nina Y. Wang

This civil action is before the court on the following motions filed by Plaintiff My24HourNews.com, Inc. (“My24” or “Plaintiff”):

1. Second Motion for Extension of Time to File Response to Defendant AT&T Corp.’s Motion to Dismiss (“Second Motion for Extension”) [#69, filed December 3, 2015];
2. Motion to File Documents Under Seal (“Motion to Restrict”) [#70, filed December 3, 2015]; and
3. Motion to File Documents Under Seal (“Second Motion to Restrict”) [#74, filed December 7, 2015].

Also before this court but not subject to this Minute Order is Plaintiff’s “Motion for Sanctions Against Defendant AT&T for Violating the Court’s October 22 Order Allowing My24 to Conduct Limited Jurisdictional Discovery, and Motion to Compel” (“Motion for Sanctions and to Compel”). [#68] and [#72].¹ These Motions were referred to the undersigned Magistrate Judge pursuant to the Order Referring Case dated June 17, 2015 [#8], and the memoranda dated December 4, 2015 [#71] and December 8, 2015 [#78, #79].

On September 15, 2015, Defendant AT&T Corporation (“AT&T” or “Defendant”) filed a Motion to Dismiss for Lack of Jurisdiction. [#46]. On September 17, 2015, Plaintiff filed a

¹ Plaintiff filed a redacted Motion for Sanctions and to Compel at [#68] and filed an unredacted but otherwise identical Motion for Sanctions and to Compel later the same day at [#72].

Motion for Jurisdictional Discovery. [#49]. On October 4, 2015, this court granted Plaintiff's Motion for Extension of Time to file a Response to the Motion to Dismiss. [#53]. Following a hearing held on October 16, 2015, this court granted Plaintiff's Motion for Jurisdictional Discovery and ordered that Plaintiff file a Response to the Motion to Dismiss by December 4, 2015, that Defendant file a Reply by December 11, 2015, and that a hearing on the Motion would proceed on December 18, 2015. [#61].

On November 23, 2015, this court granted Defendant's Unopposed Motion for Extension of Time to respond to Plaintiff's discovery requests to that day [#65], and extended the deadlines by which the Parties should file a Response and Reply regarding the Motion to Dismiss to December 7, 2015 and December 14, 2015, respectively. [#67]. On December 3, 2015, Plaintiff filed the pending Second Motion for Extension, Motion to Restrict, and Motion for Sanctions and to Compel.

Plaintiff asks, in part, that its deadline by which to respond to the Motion to Dismiss be extended to "fourteen days after AT&T completes its further responses to Plaintiff's limited discovery..." [#69 at 2]. However, Plaintiff nonetheless filed its Response to the Motion to Dismiss by the deadline of December 7, 2015. [#77].

Plaintiff further seeks to restrict sections of the Motion for Sanctions and to and certain exhibits filed in support of that Motion [#70], as well as Exhibits 1 and 2 to Defendant's Motion to Dismiss [#74]

Upon consideration of Plaintiff's arguments, **IT IS ORDERED:**

1. The Second Motion for Extension [#69] is **DENIED AS MOOT**, with leave to file a motion to supplement its Response to the Motion to Dismiss should the court grant the Motion for Sanctions and to Compel;
2. Defendant shall file a Reply on or before **December 14, 2015**;
3. The Motion hearing set for **December 18, 2015 REMAINS SET** and the Parties should be prepared to argue the Motion for Sanctions and to Compel at that time;
4. The Motion to Restrict [#70] is **STRICKEN** for failure to comply with D.C.COLO.LCivR 7.2(c)(1)-(5), with leave to refile no later than **December 11, 2015**. This court notes that whether a party has designated a document "confidential" or even "attorney's eyes only" is not dispositive, and may not even be helpful, to the court's analysis. The Parties should further consider the Tenth Circuit's case law regarding the restriction of briefing upon which the Parties are seeking relief. *See, e.g., Lucero v. Sandia Corp.*, 495 F. App'x 903, 913 (10th Cir. 2012) (observing that "parties should not routinely or reflexively seek to seal materials upon which they predicate their arguments for relief..."); and

5. The Second Motion to Restrict [#74] is **STRICKEN** for failure to comply with D.C.COLO.LCivR 7.2(c)(2)-(5), with leave to refile no later than **December 11, 2015**.

DATED: December 9, 2015