IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)
JONES DAY,)
)
Plaintiff,)
)
v.) Civil Action No. 06 CV 0466 (JR)
)
RICHARD M. SCRUSHY,)
)
Defendant.)
)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF JONES DAY'S CONSENT MOTION TO SEAL ITS OPPOSITION TO MOTION TO TRANSFER

Plaintiff Jones Day, through undersigned counsel, respectfully submits this memorandum of points and authorities in support of its motion to file its opposition to the motion to transfer filed by Defendant Richard M. Scrushy ("Scrushy") under seal pursuant to Rule 5.1(j) of the United States District Court for the District of Columbia. Counsel for Scrushy has consented to the motion.

Scrushy retained Jones Day to represent him in various matters during 2003. While that representation has been terminated, Jones Day still has a responsibility to safeguard the confidentiality of information that it received during that representation, including information that is protected by the attorney-client privilege. See District of Columbia Rule of Professional Conduct ("D.C. Rule") 1.6 cmt. 28.

As comments 24-26 to Rule 1.6 indicate, there are circumstances under which a lawyer may reveal a client's confidences, which include actions to collect fees from the client. However, throughout the action, the lawyer should "make every effort to avoid unnecessary disclosure of the client's confidences and secrets and limit the disclosure to those having the need to know it. To this end the lawyer should seek appropriate protective orders and make any other arrangements which would minimize the risk of disclosure of the confidential information in question . . ." D.C. Rule 1.6 cmt 25.

Therefore, in an effort to protect the confidences of Scrushy, Jones Day respectfully requests that the Court grant its motion to seal.

Dated: June 8, 2006 Respectfully submitted

/s/

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