

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

H&R BLOCK, INC.;
2SS HOLDINGS, INC.; and
TA IX L.P.,

Defendants.

Civil Action No. 11-00948 (BAH)
Judge Beryl A. Howell

**PLAINTIFF'S MOTION FOR PERMISSION TO FILE CONFIDENTIAL
INFORMATION UNDER SEAL**

Pursuant to the Stipulated Protective Order entered by this Court on June 15, 2011 [Dkt. No. 23], Plaintiff moves this Court under Local Rule 5.1(j)(1) and Fed. R. Civ. P. 5.2(d) for an order permitting Plaintiff to file under seal its Memorandum of Points and Authorities in Support of its Motion for a Preliminary Injunction and its Exhibits in Support of Plaintiff's Motion for a Preliminary Injunction, which it is also filing today.

Most of the information and documents in question were provided to Plaintiff during its investigation of the proposed acquisition of 2SS Holdings, Inc. by H&R Block, Inc. This information was provided to Plaintiff in confidence and was protected generally from public disclosure during the Department's investigation. *See, e.g.*, 15 U.S.C. § 1313(c)-(d). All other information and documents at issue were produced in discovery in this action, pursuant to the terms of the Protective Order.

Under the terms of the Protective Order, when either party files documents designated as "Confidential Information" or "Highly Confidential Information" it must seek leave of the Court

to file the documents under seal. The Protective Order defines “Confidential Information” to include documents, designated as such, containing trade secrets or other confidential commercial information or research. “Highly Confidential Information” is Confidential Information that is so “competitively sensitive that it is entitled to extraordinary protections.” The Defendants and third-parties that produced discovery in this case have designated information contained in Plaintiff’s Memorandum of Points and Authorities in Support of its Motion for a Preliminary Injunction and in its Exhibits in Support of Plaintiff’s Motion for a Preliminary Injunction as “Confidential Information” or “Highly Confidential Information.” Therefore, Plaintiff seeks leave to file the Memorandum and Exhibits under seal. Pursuant to the terms of the Protective Order, the United States, within four days, will file a public version of its Memorandum in Support and Exhibits to its Motion for a Preliminary Injunction.

Attached is a proposed order granting Plaintiff’s motion to file its Memorandum in support and Exhibits to its motion for a Preliminary Injunction under seal.

Dated: August 1, 2011

FOR PLAINTIFF UNITED STATES
OF AMERICA

/s/ Lawrence Buterman
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