

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI)
as Administratrix and Personal)
Representative of the)
ESTATE OF NANCY E. BENOIT)
)
Plaintiff,)

v.)

CIVIL ACTION)
FILE NO. 1:08-CV-0421-TWT)

LFP PUBLISHING GROUP, LLC,)
d/b/a Hustler Magazine,)
MARK SAMANSKY, an Individual,)
and other distributors and sellers of,)
Hustler Magazine, as)
Defendants X, Y, and Z,)
)
Defendants.)

**MOTION TO REMOVE EXPERT REPORT OF
USHA NAIR-REICHERT, Ph.D
FROM ELECTRONIC FILING SYSTEM (PACER)
AND RE-FILE WITH THE COURT UNDER SEAL**

COMES NOW, Plaintiff, Maureen Toffoloni, as Administratrix and Personal Representative of the Estate of Nancy E. Benoit (“Plaintiff”), through counsel, and files this, her Motion to Remove Expert Report of Usha Nair-Reichert, Ph.D., from Electronic Filing System (PACER) and Re-file with the Court Under Seal as follows:

On May 28, 2010 (Docket Index 115-4), Plaintiff inadvertently electronically filed the Expert Report of Usha Nair-Reichert, Ph.D. (“The Report”), as Exhibit D to the Supplemental Initial Disclosures by Maureen Toffoloni. On July 22, 2010, Defendant LFP Publishing Group, LLC (“LFP”) filed its Notice Requesting the Filing of Plaintiff’s Original Expert Report Under Seal, due to the fact that certain portions of The Report contained “Confidential” information.” Plaintiff seeks to remedy this oversight, and requests the Court remove The Report from view on the Court’s electronic filing system (PACER), and allow The Report to be re-filed by Plaintiff with the Court, under seal, so that the public will not have access to portions of The Report that may be deemed “Confidential”.

Respectfully submitted August 2, 2010.

/s/ Richard P. Decker
RICHARD P. DECKER
State Bar of Georgia #215600
F. Edwin Hallman, Jr.
State Bar of Georgia #319800

For HALLMAN & WINGATE, LLC
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CERTIFICATE OF SERVICE

This is to certify that on August 2, 2010, I have electronically filed the foregoing *Motion to Remove the Expert Report of Usha Nair-Reichert, Ph.D. from Electronic Filing System (PACER) and Re-file With the Court Under Seal*, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

James Clifton Rawls, Esq.
S. Derek Bauer, Esq.

Barry J. Armstrong, Esq.
Darrell Jay Solomon, Esq.
Jeffrey F. Reina, Esq.
Paul J. Cambria, Esq.

and by placing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

William M. Feigenbaum, Esq.
Lipsitz, Green, Scime, Cambria, LLP
42 Delaware Avenue, Suite 120
Buffalo, NY 14202

/s/ Richard P. Decker
RICHARD P. DECKER
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For HALLMAN & WINGATE, LLC
Attorneys for Plaintiff

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