

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of
similarly situated individuals

Plaintiff,

v.

COMSCORE, INC., a Delaware corporation

Defendant.

CASE NO. 1:11-cv-5807

Chief Judge Holderman

Magistrate Judge Kim

COMSCORE’S MOTION TO FILE DOCUMENTS UNDER SEAL

Defendant comScore, Inc. (“comScore”), pursuant to Local Rules 5.8 and 26.2, respectfully moves the Court for an Order granting them leave to file certain documents under seal, either in whole or in part, in conjunctions with comScore’s Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification. In support of this Motion, comScore states as follows:

1. On February 26, 2013, concurrently with the filing of this Motion, comScore filed its comScore’s Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification (“Opposition”) and the Declaration of Robyn Bowland in support of the Opposition (“Bowland Declaration”).

2. Attached to the Bowland Declaration are the following documents that the Parties have marked with a Confidentiality Designation pursuant to the January 20, 2012 Protective Order entered by Magistrate Judge Kim in this case (“Protective Order”) (Dkt. No. 72). The Protective Order prohibits either Party from publicly disclosing documents marked as

“CONFIDENTIAL,” CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” or “HIGHLY CONFIDENTIAL—SOURCE CODE.”

a. Portions of Exhibit C, excerpts from Mr. Michael Brown’s Rule 30(b)(6) August 15, 2012 deposition.

b. Exhibit E, a spreadsheet Bates labeled “CS0016873.”

c. Exhibit F, excerpts from Mr. Colin O’Malley’s December 13, 2012 deposition which discuss Exhibit E.

d. Exhibit H, comScore’s Second Supplemental Response to Harris’ First Set of Interrogatories, No. 17.

e. Exhibit M, excerpts from Mr. Randy McCaskill’s September 14, 2012 deposition marked by comScore.

f. Exhibit U, Anti-virus Log Bates labeled “Harris-Dunstan 0632-0655” and marked by Plaintiffs as “CONFIDENTIAL—ATTORNEYS’ EYES ONLY.”

3. On February 26, 2013, counsel for comScore provided, via email, a list of the actual exhibits they planned to attach to the Bowland Declaration that included or otherwise referenced documents that had been marked by Plaintiffs as “CONFIDENTIAL—ATTORNEYS’ EYES ONLY.” (Ex. A, Email to Thomassen from Bowland dated February 26, 2013.)

4. In response, Plaintiffs’ counsel confirmed that Exhibit U contained Plaintiffs’ confidential information and needed to be filed under seal. (Ex. B, Email to Bowland from B. Thomassen dated February 26, 2013)

5. Accordingly, and pursuant to Plaintiffs' counsel's instruction and the Protective Order entered in this case, comScore seeks leave to file Exhibits E, F, H, M, and U, in their entirety, under seal.

6. Additionally, comScore seeks leave to file portions of Exhibit C under seal.

7. Finally, because the Opposition references the contents of Exhibits C, E, F, H, M, and U, comScore seeks leave to file the Opposition partially under seal as well.

WHEREFORE, comScore respectfully moves the Court, pursuant to Local Rules 5.8 and 26.2 for an Order:

1. Granting comScore leave to file Exhibits E, F, H, M, and U under seal;
2. Granting comScore leave to file Exhibit C partially under seal; and
3. Granting comScore leave to file comScore's Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification partially under seal.

DATED: February 26, 2013

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/s/ Andrew H. Schapiro

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Attorneys for Defendant comScore, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing has been caused to be served on February 26, 2013 to all counsel of record via email.

/s/ Robyn M. Bowland

Robyn Bowland