

**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,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-5807

Hon. James F. Holderman

Magistrate Judge Young B. Kim

PLAINTIFFS' MOTION TO FILE DOCUMENTS UNDER SEAL

Plaintiffs Mike Harris and Jeff Dunstan (“Plaintiffs”), pursuant to Local Rules 5.8 and 26.2, respectfully move the Court for an Order granting them leave to file certain documents under seal, either in whole or in part, in conjunction with Plaintiffs’ Motion to Compel the Deposition of Magid Abraham. In support of this Motion, Plaintiffs state as follows:

1. On December 20, 2013, and contemporaneous with this Motion, Plaintiffs filed their Motion to Compel the Deposition of Magid Abraham (the “Motion”) and supporting Declaration of Rafey S. Balabanian (“Balabanian Declaration”).

2. Attached to the Balabanian Declaration, among other exhibits, are the following documents that comScore has marked “CONFIDENTIAL—ATTORNEYS’ EYES ONLY” pursuant to the January 20, 2012 Protective Order entered by Magistrate Judge Kim in this case (the “Protective Order”) (Dkt. No. 72):

- a. Exhibit C: Email correspondence bearing Bates number “CS0043028_Confidential--Attorney’s Eyes Only.htm”;
- b. Exhibit D: Excerpts from the Transcript of John O’Toole’s November 21, 2013 deposition;

- c. Exhibit H: Email correspondence bearing Bates number “CS0083728_Confidential--Attorney’s Eyes Only.pdf”;
- d. Exhibit J: Email correspondence bearing Bates number “CS0076479_Confidential--Attorney’s Eyes Only.htm”;
- e. Exhibit K: Email correspondence bearing Bates number “CS0036962_Confidential--Attorney’s Eyes Only.htm”;
- f. Exhibit L: Internal organization chart bearing Bates number “CS0096521_Confidential--Attorney’s Eyes Only.htm.”

3. Also attached to the Balabanian Declaration is an exhibit that references and describes documents marked “CONFIDENTIAL--ATTORNEY’S EYES ONLY” pursuant to the Protective Order:

- a. Exhibit I: Plaintiffs’ December 17, 2013 letter to comScore.

4. The Protective Order prohibits either Party from publicly disclosing documents marked as “CONFIDENTIAL,” “CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” or “Highly Confidential—Source Code.” (Dkt. No. 72 ¶¶ 7, 9.)

5. Accordingly, and pursuant to the Protective Order entered in this case, Plaintiffs seek to file Exhibits C, D, H, J, K, and L, described *supra*, ¶ 2, entirely under seal.

6. Additionally, because the exhibit set forth in ¶ 3 above references and otherwise describes a document that has been marked “CONFIDENTIAL,” “CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” Plaintiffs seek to file Exhibit I partially under seal.

7. Finally, because the Motion and Balabanian Declaration discuss the contents of the exhibits outlined above, Plaintiffs seek to file the Motion and Balabanian Declaration partially under seal.

WHEREFORE, Plaintiffs respectfully move the Court, pursuant to Local Rules 5.8 and 26.2 and this Court’s Case Management Procedures for an Order:

- (i) Granting them leave to file (1) Plaintiffs' Motion to Compel the Deposition of Magid Abraham and (2) the supporting Declaration of Rafey S. Balabanian partially under seal;
- (ii) Granting them leave to file Exhibits C, D, H, J, K, and L attached to the Declaration of Rafey S. Balabanian entirely under seal;
- (iii) Granting them leave to file Exhibit I attached to the Declaration of Rafey S. Balabanian partially under seal; and
- (iv) Providing such other and further relief as the Court deems equitable and just.

Respectfully submitted,

MIKE HARRIS and **JEFF DUNSTAN**,
individually and on behalf of all others
similarly situated,

Dated: December 20, 2013

By: s/ Benjamin S. Thomassen
One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Benjamin S. Thomassen, an attorney, certify that on December 20, 2013, I served the above and foregoing *Plaintiffs' Motion to File Documents Under Seal*, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 20th day of December 2013.

s/ Benjamin S. Thomassen