

**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-05807

Hon. James F. Holderman

Magistrate Judge Kim

PLAINTIFFS’ MOTION TO FILE DOCUMENT PARTIALLY 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 a document partially under seal, in conjunction with Plaintiffs’ Response in Opposition to Defendant’s Motion to Transfer Under 28 U.S.C. § 1404(a). In support of this Motion, Plaintiffs state as follows:

1. On January 28, 2014, concurrently with the filing of this Motion, Plaintiffs filed their Response in Opposition to Defendant’s Motion to Transfer under 28 U.S.C. §1404(a) (the “Memorandum”) and the Declaration of Rafey S. Balabanian in support of the Memorandum (“Balabanian Declaration”).

2. Attached to the Balabanian Declaration is Exhibit A, excerpts of the transcript from the Rule 30(b)(6) deposition of Defendant comScore, Inc. (“comScore”), through its designee and Chief Technology Officer Michael Brown. (Balabanian Decl. at ¶ 3.) comScore has designated the entirety of Mr. Brown’s deposition transcript as “CONFIDENTIAL—ATTORNEYS’ EYES ONLY” pursuant to the January 20, 2012 Protective Order entered by Magistrate Judge Kim in this case (the “Protective Order”) (Dkt. 72).

3. The Protective Order prohibits either Party from publicly disclosing documents marked as “CONFIDENTIAL,” “CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” or “Highly Confidential—Source Code.” (Dkt. 72 at ¶¶ 7, 9.)

4. While comScore has marked the entirety of Mr. Brown’s deposition transcript as “CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” comScore also previously consented to the public filing of certain pages from the transcript in unredacted form—many of which appear in Exhibit A. (See Dkt. 150 at ¶¶ 2, 4–7.) Accordingly, Plaintiffs now seek to file Exhibit A partially under seal.

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

- (i) Granting them leave to file partially under seal Exhibit A to the Balabanian Declaration; and
- (ii) Awarding such other and further relief as the Court deems equitable and just.

Dated: January 28, 2014

Respectfully submitted,

MIKE HARRIS AND JEFF DUNSTAN,
INDIVIDUALLY AND ON BEHALF OF A CLASS OF
SIMILARLY SITUATED INDIVIDUALS,

By: s/ Rafey S. Balabanian
One of Plaintiffs' Attorneys

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Counsel for Plaintiffs, the Class, and the Subclass

CERTIFICATE OF SERVICE

I, Benjamin S. Thomassen, an attorney, certify that on January 28, 2014, I served the above and foregoing *Plaintiffs' Motion to File Document Partially 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.

s/ Benjamin S. Thomassen