

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CENTRAL FACILITIES OPERATING
COMPANY, L.L.C.

CIVIL ACTION

VERSUS

NUMBER 11-660-JJB-SCR

CINEMARK U.S.A., INC., ET AL

**RULING ON MOTION FOR PROTECTIVE ORDER AND
MOTION TO FILE MEMORANDUM AND EXHIBITS UNDER SEAL**

Before the court is the Plaintiff's Motion for Protective Order and Motion for Leave to File Under Seal Its Memorandum and Certain Exhibits in Support of Its Motion for Remand to State Court. Record document number 29. Defendant Jones Lang LaSalle Americas, Inc. filed a response, which opposed entry of a protective order in the form proposed by the plaintiff and offered a different version.¹ Defendant Cinemark USA, Inc. adopted by reference defendant Jones Lang LaSalle Americas, Inc.'s response to the plaintiff's motion.² These defendants took no position regarding the remainder of the relief requested by the plaintiff.³

¹ Record document numbers 31 and 31-4.

² Record document numbers 33, motion, and 34, order granting motion.

³ Defendants Perkins Rowe Associates, L.L.C., Perkins Rowe Associates II, L.L.C. and Perkins Rowe Block A Condominiums, L.L.C. (collectively, "Perkins Rowe Defendants") have not filed an answer or otherwise made an appearance. An attorney appeared for third party defendant Joseph T. Spinosa at the scheduling conference, but Spinosa has not filed an answer or other pleading.

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The principal difference between the plaintiff's proposed protective order and the one proposed by defendant Jones Lang LaSalle is that the latter includes KeyBank National Association among the Permitted Recipients of Confidential Information. KeyBank is the plaintiff in *KeyBank National Association v. Perkins Rowe Associates, LLC, et al*, CV 09-497-JJB-SCR (the Foreclosure Litigation), in which the Perkins Rowe defendants and third party defendant Joseph T. Spinosa are also defendants. Moreover, defendant Jones Lang LaSalle is the Keeper which was nominated by KeyBank and appointed by the court in the Foreclosure Litigation.

For the reasons stated in the response filed by defendant Jones Lang LaSalle Americas, its proposed protective order is suited to the needs of this case, avoids possible conflicts with what is permitted under the protective order issued in the Foreclosure Litigation, and permits defendant Jones Lang LaSalle Americas to fully perform its duties as the Keeper in the Foreclosure Litigation. Nothing in the plaintiff's motion indicates that its confidential business information would not be adequately protected by the protective order proposed by defendant Jones Lang LaSalle Americas.

Plaintiff filed under seal with this motion its supporting memorandum,⁴ its proposed protective order,⁵ its Memorandum of

⁴ Record document number 29-1.

⁵ Record document number 29-2.

Authorities in Support of Motion for Remand to State Court,⁶ and Exhibits 2 - 6 to the plaintiff's motion to remand.⁷ These have been reviewed. The memorandum filed in support of this motion, the proposed protective order, and the Memorandum of Authorities in Support of Motion for Remand to State Court do not appear to contain any actual confidential information. The remand memorandum refers to the exhibits, but the memorandum itself does not include confidential information from the exhibits. There is no good reason for these documents to remain under seal.

Accordingly, the Plaintiff's Motion for Protective Order and Motion for Leave to File Under Seal Its Memorandum and Certain Exhibits in Support of Its Motion for Remand to State Court is denied insofar as the plaintiff sought entry of the proposed protective order submitted with its motion. The court will issued defendant Jones Lang LaSalle Americas' proposed protective order.

Plaintiff's motion is also denied insofar as the plaintiff sought to file under seal this motion and its supporting memorandum,⁸ the proposed protective order,⁹ and its Memorandum of Authorities in Support of Motion for Remand to State Court.¹⁰ If

⁶ Record document number 29-4.

⁷ Record document numbers 29-5 through 29-12.

⁸ Record document numbers 29 and 29-1.

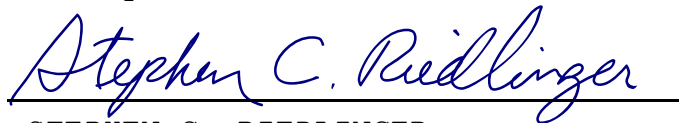
⁹ Record document number 29-2.

¹⁰ Record document number 29-4.

no party timely appeals this ruling to the district judge,¹¹ the clerk of court will be directed to unseal these documents.

Plaintiff's motion is granted insofar as the plaintiff sought to file under seal Exhibits 2 - 6 to the plaintiff's motion to remand.¹² These documents shall remain under seal, subject to the terms of the protective to be issued.

Baton Rouge, Louisiana, February 3, 2012.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

¹¹ See Rule 72(a), Fed.R.Civ.P.

¹² Record document numbers 29-5 - 29-12.