

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CoSTAR REALTY INFORMATION, INC., *et. al.* *

Plaintiffs, *

v. *

Case No.: 07 CV 01182 AW

CENTERS & MALLS, LLC, *et. al.* *

Defendants. *

**PLAINTIFFS' MOTION TO REMOVE "CONFIDENTIAL" DESIGNATION
FROM THE DEPOSITIONS OF ROBERT GALVIN, GUY HAYS, AND
CENTERS & MALLS' CORPORATE DESIGNEE GARRETT VAN SICLEN**

Plaintiffs, CoStar Realty Information, Inc. ("CoStar"), and National Research Bureau, Inc. ("NRB"), through counsel, hereby file this Motion to remove the "Confidential Information" designation applied by defendants to the deposition transcripts of Robert Galvin, Guy Hays, and Centers & Malls' corporate designee Garrett Van Sclen. In support of this Motion, plaintiffs state as follows:

The parties to this matter voluntarily entered into a protective order that was executed by the Court on June 12, 2007. The purpose of the protective order was to protect confidential information produced in documents and/or discovery responses during the course of pre-trial proceedings in this matter. The terms of the protective order specifically state "in designating discovery material as 'Confidential Information', each party and individual or entity disclosing discovery material will make such designation only as to that information that it in good faith believes contains proprietary business information or trade secrets or which would constitute an invasion of privacy of the parties to this litigation . . . ". See Protective Order,

paragraph 4 (emphasis added). On May 31 and June 1, 2007 the depositions of Robert Galvin, Guy Hays, and Centers & Malls Corporate designee Garrett Van Sicien were taken in this matter. These depositions were specifically limited to the issue of personal jurisdiction, as set forth in this Court's May 9, 2007 letter/Order. On June 14, 2007, the undersigned counsel received a letter from counsel for defendants designating the transcripts for the depositions of these three individuals as "Confidential Information" in their entirety. *See* June 14, 2007 letter, attached hereto as Exhibit 1. Pursuant to Paragraph 2 of the protective order, the undersigned counsel contested this designation within ten (10) business days of its receipt, and requested that defendants designate only those specific portions of the transcripts that contain confidential information. *See* June 15, 2007 letter contesting designation, attached hereto as Exhibit 2. To date, plaintiffs have received no response to their June 15, 2007 from defendants.

Defendants cannot seriously contend that they believe in good faith that the entirety of these three deposition transcripts consist of "Confidential Information" as defined in the protective order. The vast majority of the three deposition transcripts at issue did not contain proprietary information, trade secrets, and/or information that could constitute an invasion of privacy. Defendants "Confidential Information" designation to the entirety of these transcripts is unreasonably overbroad, and places an undue burden on plaintiffs' use of these deposition transcripts throughout these proceedings. For example, under the current designation, the addresses, educational backgrounds, and prior employment histories of Messrs Galvin, Hays, and Van Sicien, as well as a great deal of other non-proprietary information would have to be filed under seal if included by

Plaintiffs in any brief or memorandum of law in this matter. *See* Protective Order, paragraph 9.

Plaintiffs therefore respectfully request that this Court enter an order removing defendants' "Confidential Information" designation from these three deposition transcripts, or in the alternative, that the Court instruct defendants to designate as confidential only those portions of the deposition transcripts that they believe in good faith contain proprietary information, trade secrets, and/or information that could constitute an invasion of privacy.

Respectfully submitted,
CARR MALONEY P.C.



By: _____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of June, 2007, a copy of the foregoing was electronically mailed and sent via first class mail to: Walter E. Diercks and Jeffrey Harris, attorneys for Defendants, Rubin, Winston, Diercks, Harris & Cooke LLP, 1155 Connecticut Avenue, NW, 6th Floor, Washington, DC 20036.



Thomas L. McCally

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ORDER

Upon consideration of Plaintiffs' Motion to lift Defendants' "Confidential Information" designation from the deposition transcripts of Robert Galvin, Guy Hays, and Centers & Malls corporate designee Garrett Van Siclen, it is this ____ day of _____, 2007;

ORDERED, that Plaintiffs' Motion to lift Defendants' designation is hereby GRANTED; and it is further;

ORDERED, that the "Confidential Information" designation is hereby removed from the deposition transcripts of Robert Galvin, Guy Hays, and Centers & Malls corporate designee Garrett Van Siclen;

SO ORDERED.

Judge Alexander Williams, Jr.

cc:

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