

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
Northern Division**

GREAT LAKES EXPLORATION	)	
GROUP LLC	)	
Plaintiff,	)	
v.	)	Civil Action No. 1:04-CV-375
	)	
The Unidentified, Wrecked and (For Salvage-	)	HON. ROBERT HOLMES BELL
Right Purposes), Abandoned Sailing Vessel, etc.	)	
Defendant, et al.	)	

**PLAINTIFF GREAT LAKES EXPLORATION'S BRIEF IN SUPPORT OF ITS  
UNOPPOSED MOTION FOR LEAVE TO SUBMIT MATTER UNDER SEAL**

Plaintiff Great Lakes Exploration LLC has respectfully moved the Court to grant it leave to Submit Sealed Matter in support of its Memorandum in Opposition to the Intervenor's Motion for Summary Judgment. This Motion is necessitated by the fact that that several of the declarations and exhibits to be submitted by Plaintiff in opposition to the pending motion include trade secrets of Plaintiff and/or other confidential matter. Such matter includes, for example, references to the precise location of the Defendant, conditions at the site, technologies used and other confidential information.

The Court has broad discretion to protect against the disclosure of trade secrets in order to allow a party to present its evidence. *See generally. E.I. Du Pont De Nemours Powder Co. v. Masland*, 244 U.S. 100, 102, 37 S.Ct. 575, 576 (1917) (holding that in regards to information claimed to be a trade secret, "it will rest in the judge's discretion to determine whether, to whom, and under what precautions, the revelation should be made.).

The practice of allowing such information to be disclosed *in camera* has been upheld in this circuit for nearly a century. *See Herold v. Herold China & Pottery Co.*,

257 F. 911 (6<sup>th</sup> Cir. 1919). In addition to its inherent powers, "Pursuant to Rule 26(c)(7) of the Federal Rules of Civil Procedure '[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed *or be revealed only in a specified way.*'" (emphasis added). *See generally E. I. Du Pont De Nemours Powder Co. v. Masland*, 244 U.S. 100, 103 (1917) ("It will be understood that if, in the opinion of the trial judge, it is or should become necessary to reveal the secrets to others it will rest in the judge's discretion to determine whether, to whom, and under what precautions, the revelation should be made.").

The Intervenors have consented to this Motion.

#### **CONCLUSION**

For the foregoing reasons, the Court should grant leave for Great Lakes Exploration to file matter under seal in opposition to the motion for summary by mailing in a sealed envelope, appropriately labeled in accordance with the Protective Order in this case, and directed to the Clerk and counsel for the Intervenors.

Respectfully submitted,

/s/ Richard T. Robol  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed electronically and served electronically on all counsel of record via the Court's ECF system this 4th day of February, 2009.

/s/ Richard T. Robol  
Richard T. Robol