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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN P. BRINCKO, as Chapter 11 Trustee of)
Debtor National Consumer Mortgage, LLC,)

Plaintiff,)

vs.)

RIO PROPERTIES INC,)

Defendant(s).)

2:10-cv-00930-PMP-PAL

**[PROPOSED] ORDER GRANTING
TRUSTEE'S MOTION FOR LEAVE
TO FILE PORTIONS OF MOTION
TO COMPEL UNDER SEAL**

The Court having reviewed the Notice of Motion and Memorandum of Points and Authorities in Support of the motion of Plaintiff John P. Brincko (the "Plaintiff" or "Trustee"), as Chapter 11 Trustee of the debtor National Consumer Mortgage, LLC ("NCM" or the "Debtor"), for leave to file under seal with this Court portions of the Trustee's re-filed Motion to Compel the Re-Opening of the Deposition of Defendant Rio Properties, Inc. (the "Motion to Compel"),

1 and the Declaration of Jason Levin, dated April 13, 2011, and the exhibits thereto, and there
2 being no opposition thereto, finds that:

3 WHEREAS, each of the documents listed below will be submitted in connection with the
4 Trustee's Motion to Compel, and reference and discuss documents or information previously
5 designated by the Rio as confidential under the confidentiality order in this case and/or
6 previously filed under seal in this Court, or the United States Bankruptcy or District Court for the
7 Central District of California prior to the transfer of this action.

8 Good cause appearing therefor, the Court hereby orders the following:

9 1. The Trustee's application to file the following portions of the Motion to Compel
10 under seal is granted:

- 11 • Declaration of Russell Bogart, dated April 29, 2010
 - 12 ○ Exhibit 24: Excerpt from the deposition of David Darby, former
13 Compliance Specialist for Rio, discussing Rio's internal policies and
14 procedures.
 - 15 ○ Exhibit 25: Excerpt from the deposition of Sheila Eyler, former
16 Regulatory Compliance Officer for the Rio, discussing Rio's internal
17 policies and procedures.
 - 18 ○ Exhibit 27: Complete expert report from Alexander Seddio discussing
19 Rio's internal policies and procedures.
 - 20 ○ Exhibit 28: Copies of certain internal policy documents produced by
21 HOC.
 - 22 ○ Exhibit 31: Copies of certain internal policy documents produced by Rio.
- 23 • Supplemental Declaration of Russell Bogart, dated June 1, 2010
 - 24 ○ Exhibit 2: Expert rebuttal report of Courtney J. Linn, dated May 5, 2010.

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- Exhibit 3: Copy of a proposed Joint Discovery Stipulation that was submitted by the Trustee to the Bankruptcy Court on September 17, 2009 when Rio refused to execute the Joint Stipulation.
- Joint Stipulation, dated May 20, 2010
 - A small portion of the publicly-docketed version of the Joint Stipulation to protect its alleged confidentiality interests.

2. This Order is without prejudice to the Trustee’s ability to contest the confidentiality of the materials referenced in or attached to the Motion to Compel in this case, in subsequent proceedings, or at trial.

IT IS SO ORDERED.

Dated: April 18, 2011


UNITED STATES MAGISTRATE JUDGE