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 16 DEMOCRATIC UNDERGROUND, LLC, and  
 Defendant DAVID ALLEN

**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA**

17 RIGHTHAVEN LLC, a Nevada limited liability company, Case No. 2:10-cv-01356-RLH (GWF)  
 18 Plaintiff,  
 19 v.

20 DEMOCRATIC UNDERGROUND, LLC, a District of  
 21 Columbia limited-liability company; and DAVID ALLEN,  
 22 an individual,  
 Defendants.

**MOTION TO FILE DOCUMENTS  
 UNDER SEAL**

23 DEMOCRATIC UNDERGROUND, LLC, a District of  
 24 Columbia limited-liability company,  
 25 Counterclaimant,

26 v.  
 27 RIGHTHAVEN LLC, a Nevada limited liability company,  
 and STEPHENS MEDIA LLC, a Nevada limited-liability  
 28 company,  
 Counterdefendants.

MOTION TO SEAL

CASE NO. 2:10-cv-01356-RLH (GWF)

1 **REQUEST TO SUBMIT DOCUMENTS UNDER SEAL**

2 Counterclaimant Democratic Underground, LLC (“Democratic Underground”) hereby  
3 respectfully requests that the Court permit Democratic Underground to submit, under seal,  
4 portions of Democratic Underground’s Consolidated Opposition to Righthaven’s Motion to  
5 Intervene and Opposition to Counterdefendant Stephens Media’s Motion for Reconsideration  
6 (“Consolidated Opposition”), and Exhibits 1, 2, 3, and 5 of the Supporting Declaration of Clifford  
7 Webb (“Webb Declaration”).

8 Exhibit 1 to the Webb Declaration is an excerpt of the Righthaven Operating Agreement,  
9 produced by Stephens Media on March 22, 2011 (Bates Nos. SM000095-SM000161). Exhibit 2  
10 to the Webb Declaration is a Licensing Agreement between Stephens Media and ProQuest  
11 Information and Learning Company, dated January 15, 2002 (Bates Nos. SM000065-  
12 SM000067). Exhibit 3 to the Webb Declaration is a Licensing Agreement between Stephens  
13 Media and Burrelle’s Information Services, LLC, dated July 29, 2010 (Bates Nos. SM000050-  
14 SM000058). Exhibit 5 to the Webb Declaration is an undated Licensing Agreement between  
15 Lexis-Nexis and the Las Vegas Review-Journal (Bates Nos. SM000059-0000062).

16 All of these Exhibits were designated as “Confidential Attorneys Eyes Only” by Stephens  
17 Media under the Stipulated Protective Order entered by the Court on February 14, 2011.  
18 Documents and information that have been designated by a party as “Confidential Attorneys’  
19 Eyes Only” can only be submitted to the Court under seal. *See* Dkt. 65, ¶ 12. While Democratic  
20 Underground does not maintain that Exhibits 1, 2, 3, and 5 are appropriately designated under  
21 either the terms of the Stipulated Protective Order or applicable law, and does not contend that the  
22 Exhibits should ultimately be maintained under seal, Democratic Underground is required at this  
23 time to submit these Exhibits under seal. The same is true for portions of Democratic  
24 Underground’s Consolidated Opposition which quotes from and summarizes the contents of the  
25 Exhibits.

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1           Accordingly, Democratic Underground respectfully requests that the Court allow  
2 Democratic Underground to conditionally submit these documents under seal, until such time as  
3 Stephens Media provides a basis for this Court to maintain them under seal.

4 Dated: July 26, 2011

FENWICK & WEST LLP

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By: /s/ Clifford Webb

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Clifford Webb

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Attorneys for Defendant and Counterclaimant  
DEMOCRATIC UNDERGROUND, LLC

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