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 15 DEMOCRATIC UNDERGROUND, LLC, and
 Defendant DAVID ALLEN

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

18 RIGHTHAVEN LLC, a Nevada limited liability company,
 19 Plaintiff,

v.

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

22 Defendants.

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

Counterclaimant,

v.

26 RIGHTHAVEN LLC, a Nevada limited liability company,
 27 and STEPHENS MEDIA LLC, a Nevada limited-liability
 company,

28 Counterdefendants.

Case No. 2:10-01356-RLH (GWF)

**DEFENDANTS'
 CONSOLIDATED OPPOSITION
 TO COUNTERDEFENDANTS'
 MOTION TO STRIKE AND
 RESPONSE TO DEFENDANTS'
 REQUEST TO UNSEAL
 [DKT. NOS. 87, 88, 89]**

CONSOLIDATED OPP TO MTN TO
 STRIKE AND RESPONSE TO
 DEFENDANTS' REQUEST TO UNSEAL

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

1 Counterdefendants with a duty to respond *only* if no stipulation was reached with Defendants. If
2 there were to be no stipulation, the Court granted Counterdefendants the full 14 days of time
3 available to respond to any motion in which to supply a justification for sealing, with a reply
4 seven days later. Dkt. 75 (Order Granting Conditional Motion to File Documents Under Seal).
5 Counterdefendants have ignored the Court’s order to provide justification, filing nothing within
6 the 14 days required, and providing no justification in the three recently filed briefs on the topic.
7 Their misreading of the Stipulated Protective Order does not relieve them of the duty the Court
8 imposed.

9 Defendants pursued the parallel path of both a Motion and an effort to obtain consensual
10 dedesignation from Righthaven and Stephens Media because, based on their long history of
11 refusal to even engage with Defendants on disputed discovery, consensual resolution seemed
12 unlikely. Defendants’ decision has only been vindicated by Counterdefendants’ refusal to
13 negotiate, or attempt to justify, any designation of Exhibit A. *See* Dkt. 86 (“Webb Declaration”)
14 ¶¶ 2-4.

15 Defendants first broached these issues nearly a month ago, on March 3, 2011, when
16 Defendants requested that Righthaven and Stephens Media agree to dedesignate Exhibit A to the
17 Pulgram Declaration under the terms of the Stipulated Protective Order, prior to submitting these
18 documents conditionally under seal to the Court. *See* Webb Decl. ¶ 2. On March 4th, having
19 received no response from Righthaven or Stephens Media, Defendants submitted Exhibit A and
20 its related filings to the Court under seal in compliance with the Stipulated Protective Order,
21 further noting their belief that the documents were inappropriately designated. Dkt. 73. Later, on
22 March 9th, still having received no response from either Righthaven or Stephens Media within
23 the five days provided by the consensual procedure, Defendants again requested dedesignation of
24 Exhibit A or that Counterdefendants provide any proposed redactions. Webb Decl. ¶ 3. Both
25 Righthaven and Stephens Media refused this request with no explanation. Webb Decl. ¶¶ 3-4.
26 Given this, Defendants were completely justified in seeking relief from the Court in the instant
27 Request to Unseal. The procedural objection represents a transparent effort to delay unsealing,
28 and nothing more. Accordingly, this Court is entitled to unseal Exhibit A at this time.

