CARLETON R. BURCH, ESQ.
Nevada Bar No. 010527
crb@amclaw.com
BRIAN L. BRADFORD, ESQ.
Nevada Bar No. 009518
blb@amclaw.com
ANDERSON, McPHARLIN & CONNERS LLP
777 North Rainbow Boulevard, Suite 145
Las Vegas, Nevada 89107
Telephone: (702) 479-1010
Facsimile: (702) 479-1025

Attorneys for Defendant
Alpha-Omega Change Engineering, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARY MAUREEN MINSHEW,

Plaintiff,

vs.

THE HONORABLE MICHAEL B. DONLEY, SECRETARY OF THE AIR FORCE; GEORGE SALTON; LT. COL. KURT BERGO; and ALPHA-OMEGA CHANGE ENGINEERING, a Virginia Corporation,

Defendants.

Case No. 2:10-cv-01593-PMP-PAL

DEFENDANT ALPHA-OMEGA CHANGE ENGINEERING'S MOTION TO FILE MOTION FOR SUMMARY JUDGMENT UNDER SEAL

For the reasons explained below, Defendant Alpha-Omega Change Engineering ("AOCE") moves for an order approving the filing under seal of its Motion for Summary Judgment.

On March 11, 2011, the Court entered a Consent Protective Order. [Doc. 66]. The parties sought such a protective order based on, among other things, the anticipated production and discussion of confidential records protected under the Privacy Act. The Court disapproved the parties' provisions as to filing documents under sea. Instead, the Court entered a separate Order [Doc. 67] instructing the parties to file any applicable motion under seal, along with a contemporaneous motion to file under seal, in accordance with the Court's CM/ECF filing procedures and consistent with *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

ANDERSON, McPHARLIN & CONNERS LLP
LAWYERS
777 No. Rainbow Blvd., Suite 145
Las Vegas, Nevada 89107
Tel (702) 479-1010 • Fax (702) 479-1025

In *Kamakana*, the court explained that there was a heightened "compelling reasons" standard for sealing dispositive motions and exhibits thereto. Compelling reasons to retain a seal on court records may include the protection of confidential financial information, third-party medical records, personnel files, and trade secrets. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9 Cir. 2003). Here, AOCE has taken reasonable steps to discuss the issues in the Motion for Summary Judgment without reference to sensitive information. Despite these efforts, the Motion necessarily contains documents and testimony that has been deemed confidential pursuant to the Parties Consent Protective Order. See Doc. 66. Pursuant to said Order, all discovery exchanged in this case is presumed to be confidential. Likewise, the materials supporting the instant dispositive motion are within the scope of the Court's Order. Specifically, the Motion contains documents, such as a contract between the Air Force and AOCE, which may reveal trade secrets in a derivative manner. Further, the deposition testimony relied upon in the Motion may contain sensitive professional history that is further protected under the Privacy Act.

AOCE concedes overall that some or all of the documents contained in its motion may not comport with *Kamakana*. However, in light of the Consent Protective Order in place, AOCE respectfully submits this Motion out of an abundance of caution and in the spirit of a good faith attempt to comply with the Parties Consent Protective Order.

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

ANDERSON, MCPHARLIN & CONNERS LLP
LAWYERS
777 NO. RAINBOW BLVD., SUITE 145
LAS VEGAS, NEVADA 89107
TEL (702) 479-1010 • FAX (702) 479-1025

For these reasons, AOCE brings the present Motion and submits that there is good cause to submit this request that the Court issue an order to seal its Motion for Summary Judgment and respective Declarations and Exhibits in Support of AOCE's Motion for Summary Judgment.

DATED this 28th day of February, 2012.

ANDERSON, McPHARLIN & CONNERS LLP

By _____

Carleton R. Burch, Esq.
Nevada Bar No. 010527
Brian L. Bradford, Esq.
Nevada Bar No. 009518
777 North Rainbow Boulevard, Suite 145
Las Vegas, Nevada 89107
Attorneys for Defendant
Alpha-Omega Change Engineering, Inc.

IT IS SO ORDERED

DATED: March 15, 2012

_____
UNITED STATES DISTRICT JUDGE

ANDERSON, McPHARLIN & CONNERS LLP
LAWYERS
777 No. Rainbow Blvd., Suite 145
Las Vegas, Nevada 89107
Tel (702) 479-1010 • Fax (702) 479-1025