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 Alpha-Omega Change Engineering, Inc.

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

12 MARY MAUREEN MINSHEW,

13 Plaintiff,

14 vs.

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

18 Defendants.
19

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

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

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

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

1 In *Kamakana*, the court explained that there was a heightened “compelling reasons” standard
2 for sealing dispositive motions and exhibits thereto. Compelling reasons to retain a seal on court
3 records may include the protection of confidential financial information, third-party medical records,
4 personnel files, and trade secrets. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9 Cir.
5 2003). Here, AOCE has taken reasonable steps to discuss the issues in the Motion for Summary
6 Judgment without reference to sensitive information. Despite these efforts, the Motion necessarily
7 contains documents and testimony that has been deemed confidential pursuant to the Parties Consent
8 Protective Order. See Doc. 66. Pursuant to said Order, all discovery exchanged in this case is
9 presumed to be confidential. Likewise, the materials supporting the instant dispositive motion are
10 within the scope of the Court’s Order. Specifically, the Motion contains documents, such as a contract
11 between the Air Force and AOCE, which may reveal trade secrets in a derivative manner. Further, the
12 deposition testimony relied upon in the Motion may contain sensitive professional history that is
13 further protected under the Privacy Act.

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

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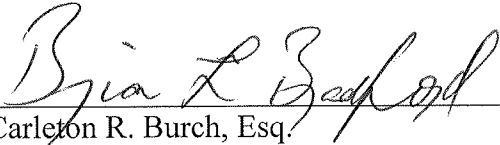
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For these reasons, AOCE brings the present Motion and submits that there is good cause to submit this request that the Court issue an order to seal its Motion for Summary Judgment and respective Declarations and Exhibits in Support of AOCE's Motion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

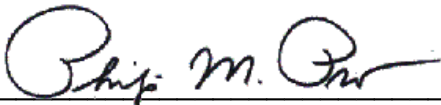
DATED this 28th day of February, 2012.

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By 
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IT IS SO ORDERED

DATED: March 15, 2012


UNITED STATES DISTRICT JUDGE