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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FLEMMING KRISTENSEN,

Plaintiff,

v.

CREDIT PAYMENT SERVICES, INC., et al.,

Defendants.

Case No. 2:12-cv-00528-APG-PAL

ORDER

This matter is before the court on Defendant LeadPile LLC's Response (Dkt. #275) to the court's Order (Dkt. #255) filed November 26, 2014. The court has considered the Response.

On October 27, 2014, LeadPile filed a Motion to Seal (Dkt. #247) which sought an order pursuant to LR 10-5(b) for leave to file the following documents that were designated confidential or attorney's eyes only pursuant to the terms of the Protective Orders (Dkt. ##32, 145) under seal:

- Exhibit A to the Declaration of K. Chris Colling in Support of LeadPile's Motion for Terminating Sanctions (Dkt. #241), which contains deposition transcript excerpts from the deposition of James Gee, taken January 23, 2014. LeadPile represents the deposition transcript was designated confidential under the Protective Orders.
- Exhibit B to the Collins Declaration, which contains deposition transcript excerpts from the deposition of Michael Ferry, taken January 10, 2014. LeadPile represents the deposition transcript was designated confidential under the Protective Orders.
- Exhibit C to the Collins Declaration, which contains email correspondence between AC Referral, 360 Date Management, and ClickMedia, dated April 2, 2014. LeadPile represents the correspondence was designated confidential under the Protective Orders.

- 1 ▪ Exhibit D to the Collins Declaration, which contains deposition transcript excerpts from
2 the deposition of Plaintiff Flemming Kristensen, taken January 21, 2014. LeadPile
3 represents the deposition transcript was designated confidential under the Protective
4 Orders.
- 5 ▪ Exhibit E to the Collins Declaration, which contains Edelson’s Client Retainer
6 Agreement/Engagement Letter with Plaintiff, dated February 9, 2012. LeadPile
7 represents this document was designated confidential under the Protective Orders.
- 8 ▪ Exhibit F to the Collins Declaration, which contains Plaintiff’s purchase order receipt for
9 the purchase of a new hard drive, dated February 17, 2012. LeadPile represents the
10 purchase order was designated confidential under the Protective Orders.

11 The court denied the Motion to Seal without prejudice, finding LeadPile had not met its
12 burden under *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), of showing
13 good cause to seal these documents under seal. The court directed that the party or parties who
14 designated Exhibits A-F as confidential under the Protective Orders to file a memorandum of
15 points and authorities no later than November 26, 2014, to establish good cause why Exhibits A-
16 F should remain under seal. LeadPile’s Response indicates that it has no objection to the
17 Exhibits being filed in the public record, and it only filed the Motion to Seal to comply with the
18 Protective Orders. No other party has filed a response to the court’s Order or requested an
19 extension of time in which to comply. The parties were warned that if any designating party
20 failed to timely comply with the Order, the Clerk of Court would unseal the Exhibits and make
21 them available on the public docket.

22 Accordingly,

23 **IT IS ORDERED** that the Clerk of Court shall unseal Exhibits A-F to the Collins
24 Declaration (Dkt. #247).

25 Dated this 1st day of December, 2014.

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PEGGY A. ZEN
UNITED STATES MAGISTRATE JUDGE