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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc. et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY MEMORANDUM UNDER SEAL

Plaintiff Federal Trade Commission ("FTC") hereby moves this Court for an Order granting the FTC leave to file under seal its reply memorandum (Docket No. 573) in support of motion to unseal summary judgment memoranda and exhibits (Docket No. 560). The Court has approved the FTC's similar request to provisionally file materials under seal with respect to the FTC's summary judgment filings. (*See* Docket Nos. 476, 506, 525, 562, 567.) In support of this motion, the FTC states as follows:

1. On January 11, 2013, this Court entered an amended protective order (Docket No. 308), permitting parties to designate documents and testimony as confidential, and to submit such information to the Court under seal.

2. On September 30, 2013, the FTC filed a motion for summary judgment. (Docket No. 454.) With the Court's permission (Docket No. 476), the FTC filed under seal its memorandum (Docket No. 456), and exhibits (Docket No. 455) in support thereof.

3. On December 3, 2013, the FTC filed an opposition to Defendants' motion for summary judgment (Docket No. 491), and exhibits in support thereof (Docket Nos. 491-1, 491-2, 491-3, 491-4, 491-5, 491-6, 491-7, 491-8). The FTC filed these documents under seal with the Court's permission. (Docket No. 506.)

4. On December 20, 2013, the FTC filed a reply in support of its motion for summary judgment (the "Reply"), as well as an appendix and declaration with accompanying exhibits (Docket No. 514 *et seq.*). These documents were filed under seal with the Court's permission. (Docket No. 525.)

5. On March 2, 2014, the FTC filed an opposition to Defendants' objection to the magistrate judge's January 28, 2014 report and recommendation (Docket No. 556), and on March 3, 2014, the FTC filed a response to Defendants' objection to the magistrate judge's January 28, 2014 evidentiary rulings (Docket No. 557.) These documents were filed under seal with the Court's permission. (Docket No. 562.)

6. The FTC sought leave to file these documents under seal out of an abundance of caution, and due to the breadth of the Defendants' confidential designations.

7. On March 11, 2014, the FTC filed a motion seeking to unseal and file redacted memoranda and exhibits in connection with its summary judgment motions and briefings. (Docket No. 560.) In its motion to unseal, the FTC proposed numerous redactions to its summary judgment memoranda and

exhibits. (Docket No. 561, 561-1, *et seq.*) The FTC sought to have those proposed redactions provisionally filed under seal because the materials are currently wholly under seal by order of the Court and because the FTC's proposal is in large part contested by Defendants. (Docket No. 563.) The Court granted the FTC's motion to file its exhibits to the unseal motion under seal. (Docket No. 567.)

8. On April 7, 2014, the FTC filed a reply memorandum in support of its motion to unseal. (Docket No. 573.) Portions of the FTC's reply memorandum quote from or paraphrase portions of documents that Defendants have designated as confidential and that Defendants have argued should remain sealed.

9. The FTC does not contend that any of the information in its reply memorandum should be sealed, and contends further that Defendants have not presented compelling reasons to maintain such information under seal. The FTC seeks leave of the Court to file its reply memorandum under seal solely to avoid publication of the disputed materials until the Court resolves the parties' confidentiality dispute.

WHEREFORE, the FTC respectfully requests leave of the Court to file under seal its reply memorandum (Docket No. 573) in support of motion to unseal.

Dated: April 7, 2014

Respectfully submitted,

/s/ Ioana Rusu
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Ioana Rusu
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IT IS SO ORDERED:

_____
UNITED STATES MAGISTRATE JUDGE

DATED: 4-7-2014

CERTIFICATE OF SERVICE

I, Ioana Rusu, certify that, as indicated below, all parties were served by electronic case filing with **PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY MEMORANDUM UNDER SEAL**. All parties were served by email with Plaintiff's reply memorandum.

Dated: April 7, 2014

/s/Ioana Rusu
Ioana Rusu

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