

**SEALED**

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MAY 29 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 EXECUTIVE VIP SERVICES  
INTERNATIONAL, INC., a Nevada  
13 corporation d/b/a VIP SPORTS LAS  
VEGAS,

14 Plaintiffs,

15 v.

16 DOMAINS BY PROXY, LLC, an Arizona  
17 limited liability company; and JOHN DOES  
1-10,

18 Defendants.

Case No.: 2:14-cv-00823

**PLAINTIFF'S MOTION TO UNSEAL**

19  
20 Plaintiff Executive VIP Services International, Inc., d/b/a VIP Sports Las Vegas (herein  
21 "VIP Sports") hereby moves the Court to unseal this case and all documents and pleadings filed  
22 under seal in this case. This Motion to Unseal ("Motion") is based on LR 10-5(b).

23 As set forth in the Motion to Seal (Doc. # 2<sup>1</sup>) and the Ex-Parte Application for  
24 Temporary Restraining Order (Doc. # 4), this case and all the filings in it were made under seal  
25 in order to secure the "Infringing Domain Name" <vipssportsvegas.com> from being transferred  
26 outside of the jurisdiction of this Court pending the Court's ruling on Plaintiff's Motion and, if  
27 granted, the locking of the domain name from further transfer. (See Motion to Seal). On May  
28 23, 2014, the Court granted Plaintiff's Application for a Temporary Restraining Order directing

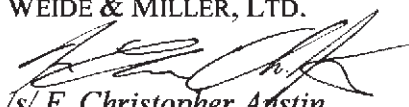
1 the registrar, GoDaddy to lock and transfer the Infringing Domain Name, thereby securing the  
2 Infringing Domain Name and preventing its transfer outside of the jurisdiction of this Court.  
3 (See Temporary Restraining Order, (Doc. # 6)).

4 As set forth in the Declaration of Plaintiff's counsel, F. Christopher Austin, attached  
5 hereto as Exhibit 1, confirmed by the correspondence from counsel for the registrar, GoDaddy,  
6 attached hereto as Exhibit 2, upon receipt of the Court's Order (Doc. # 6), GoDaddy locked the  
7 Infringing Domain Name and commenced the process of transferring the same to Plaintiff as  
8 directed by the Court. Understanding that the locking of the Infringing Domain Name prevents  
9 it from being further transferred outside of the jurisdiction of this Court, the reasons for  
10 requesting and obtaining the sealing of the filings in this matter have now all been fulfilled, such  
11 that these filing no longer need to remain under seal.

12 Accordingly, Plaintiff hereby respectfully requests the Court unseal this case and all  
13 filings made in it under seal, including without limitation, the Complaint (Doc. # 1) together  
14 with its exhibits and the Civil Cover Sheet, the Motion to File Under Seal (Doc. # 2), the Ex-  
15 Parte Application for Temporary Restraining Order (Doc. # 4) together with its exhibits, the  
16 Motion for Preliminary Injunction (Doc. # 5) together with its exhibits, the Temporary  
17 Restraining Order (Doc. # 6), and the Certificate of Cash Deposit (Doc. # 8).

18 DATED this 28th day of May, 2014.

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Respectfully Submitted,  
WEIDE & MILLER, LTD.  
  
/s/ F. Christopher Austin  
F. Christopher Austin  
Ryan Gile  
7251 W. Lake Mead Blvd., Suite 530  
Las Vegas, NV 89128  
  
Attorneys for Plaintiff  
Executive VIP Services International

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<sup>1</sup> Note, these Docket entry numbers are assumed approximations, as counsel is not privy to the actual numbers assigned to filings made under seal.

# **EXHIBIT 1**

# **EXHIBIT 1**

1 F. Christopher Austin  
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1-10,

18 Defendants.  
19

Case No.: 2:14-cv-00823

**DECLARATION PLAINTIFF'S  
COUNSEL F. CHRISTOPHER AUSTIN  
IN SUPPORT OF MOTION TO UNSEAL**

20 I, F. Christopher Austin hereby declare under penalty of perjury under the laws of the  
21 United States of America that the following is true and correct to the best of my knowledge and  
22 belief:

23 1. I am an attorney duly licensed to practice in the state and federal courts in Nevada  
24 and a member of the firm of Weide & Miller, counsel for Plaintiff Executive VIP Services  
25 International, Inc. d/b/a VIP Sports Las Vegas in the above captioned matter.

26 2. On May 27, 2014, my office received confirmation that the Court had  
27 granted Plaintiff's request for a Temporary Restraining Order to secure and lock the domain  
28 name of Defendants <vipssportsvegas.com> (the "Infringing Domain Name").

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3. This request was made under seal and ex-parte in order to prevent Defendants from transferring the Infringing Domain Name during the pendency of this Court's review and ruling on the requested Motion for a Temporary Restraining Order.

4. On the same day, May 27, 2014, I emailed the registrar of the Infringing Domain Name, GoDaddy, the Court's Order and asked the registrar to comply with it and specifically to lock and transfer the Infringing Domain Name to Plaintiff.

5. On May 28, 2014, I received an email from GoDaddy in response stating that GoDaddy had locked the Infringing Domain Name and would transfer it to Plaintiff. Attached to the Motion to Unseal as Exhibit 2 is a true and correct copy of the email correspondence I received from GoDaddy.

6. On May 28, 2014, in response to the email from GoDaddy, I provided GoDaddy with the account information necessary to comply with the Court's Order and transfer the Infringing Domain Name to Plaintiff.

DATED this 28<sup>th</sup> day of May, 2014.

  
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*/s/ F. Christopher Austin*  
F. Christopher Austin

# **EXHIBIT 2**

# **EXHIBIT 2**

## Chris F. Austin

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**From:** disputes <disputes@godaddy.com>  
**Sent:** Wednesday, May 28, 2014 9:44 AM  
**To:** Chris F. Austin  
**Subject:** RE: Temporary Restraining Order RE: GoDaddy registration of <vipsportsvegas.com>

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear F. Christopher Austin,

Thank you for your email. We have placed the domain name on registrar lock. Please provide us with your client's Godaddy account number so we may move the domain name to your control.

Kind regards,

Alex Hernandez  
Disputes Administrator  
GoDaddy  
1042186

**From:** Chris F. Austin [<mailto:caustin@weidemiller.com>]  
**Sent:** Tuesday, May 27, 2014 2:56 PM  
**To:** legal; compliancemgr  
**Subject:** Temporary Restraining Order RE: GoDaddy registration of <vipsportsvegas.com>  
**Importance:** High

GoDaddy Compliance Manager and Legal Office:

I represent VIP Sports Las Vegas. Their trademarks are being infringed by the registration with GoDaddy and Domains By Proxy of the domain name <vipsportsvegas.com> (the "infringing domain").

As set forth in the attached Temporary Restraining Order, Judge James C. Mahan, United States District Judge, for the United States District Court for the District of Nevada is ordering GoDaddy, as the registrar of the infringing domain to:

1. Immediately lock the infringing domain,
2. Transfer the infringing domain to VIP Sports Las Vegas (<vipsportslasvegas.com>, also a GoDaddy customer),
3. Remove all existing Domain Name Server (DNS) entries and corresponding addresses with regard to the infringing domain and enter the registrar's (GoDaddy's) default DNS to prevent further harm or transfer.

This Order was entered ex parte and under seal for the express purpose of preventing the infringing domain from being transferred to another registrar. Neither GoDaddy nor Domains By Proxy are permitted to inform the unknown and undisclosed owner of the domain before complying with the Order.

GoDaddy's affiliate, Domains By Proxy has been named as a defendant in this case; however, it is our intention to dismiss Domains By Proxy once Domains By Proxy identifies the unknown owner of the infringing domain and they are added as defendants to this lawsuit.



So I do not miss your call, please call my cell phone number (702-610-9094) today as soon as possible to confirm compliance with this Federal Court Order.

Chris

**F. Christopher Austin**  
**Weide & Miller, Ltd.**

7251 West Lake Meade Blvd.  
5<sup>th</sup> Floor, Suite 530  
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INTERNATIONAL, INC., a Nevada  
13 corporation d/b/a VIP SPORTS LAS  
VEGAS,  
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Plaintiffs,  
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16 DOMAINS BY PROXY, LLC, an Arizona  
17 limited liability company; and JOHN DOES  
1-10,  
18  
Defendants.

Case No.: 2:14-cv-00823  
**ORDER TO UNSEAL**

19  
20 UPON CONSIDERATION OF Plaintiff Executive VIP Services International, Inc.,  
21 d/b/a VIP Sports Las Vegas's (herein "VIP Sports") Motion to Unseal together with its  
22 Memorandum of Points and Authorities, the exhibits thereto, and the record in this case, and for  
23 other good cause shown:

24 THE COURT FINDS THAT:

- 25 1. The basis for sealing the filings in this action have been met;  
26 2. That the domain name <vipsportsvegas.com>, preliminarily found to infringe the  
27 trademark rights of Plaintiff as set forth in the Court's Temporary Restraining Order (Doc. # 6),  
28 has been secured and locked by the registrar of the same;

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3. That such domain name cannot now be transferred without the leave of the Court outside of the jurisdiction of the Court; and

4. That there is no prejudice to any party to summarily and without further notice unseal the filings in this matter, as the only purpose for sealing the same has been fully achieved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff Motion to Unseal is hereby GRANTED and the Clerk of the Court is hereby directed to unseal all filings in this case presently filed under seal.

UNITED STATES ~~DISTRICT~~ JUDGE  
Magistrate

Dated: June 2, 2014

Respectfully Submitted,

WEIDE & MILLER, LTD.

\_\_\_\_\_  
/s/ F. Christopher Austin  
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Ryan Gile  
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