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CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY DEPUTY

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 CPALEAD, LLC, a Nevada limited
10 liability company,

11 Plaintiffs,

Case No. 2:14-cv-01449-JCM-CWH

12 vs.

(Filed Under Seal)

13 ADEPTIVE ADS, LLC, a Nevada limited
14 liability company; JASON BUTLER, an
15 individual; and MICHAEL BELMONTE,
an individual,

16 Defendants.

17 /
18 **DEFENDANT MICHAEL BELMONTE'S (SIMMONS') MOTION TO UNSEAL**

19 COMES NOW the Defendant Michael Belmonte (Simmons), by and through his counsel, Daniel
20 Marks, Esq., and Christopher L. Marchand, Esq. of the Law Offices of Daniel Marks, and hereby submits

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1 his Motion to Unseal. The grounds for Defendant's Motion are set forth in the attached memorandum
2 of Points and Authorities.

3 DATED this 20 day of October, 2014.

4 **LAW OFFICE OF DANIEL MARKS**

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6 DANIEL MARKS, ESQ.
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13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 On September 8, 2014, Plaintiff filed a Motion to Open and Maintain Action Under Seal.
15 Plaintiff claimed the need for this matter to be filed and maintained under seal: "(1) until the Court has
16 ruled on Plaintiff's emergency, *ex parte*, motion for a temporary restraining order, which seeks to
17 prohibit Defendants from any further disclosure or use of Plaintiff's trade secret and otherwise
18 confidential customer lists and proprietary software; and (2) until Plaintiff has had three business days to
19 serve the Defendants with any temporary restraining order the Court may enter."

20 Both of these conditions have long been satisfied. All Defendants in the present matter have long
21 since been served and this Court entered the Temporary Restraining Order on September 10, 2014
22 (which has subsequently expired and been replaced with a Preliminary Injunction). As the reasons for
23 why this matter should have been sealed have expired the matter should be unsealed.

24 This Country has long recognized the right of the public to inspect and copy public records and
25 documents, including judicial records and documents. **Nixon v. Warner Communications, Inc.**, 435
U.S. 589, 597, 98 S.Ct. 1306, 1312 (1978) (internal citations omitted). The Supreme Court has also
found that pursuant to the First Amendment to the United States Constitution the public has a right to
attend trials. **Richmond Newspapers, Inc. v. Virginia**, 448 U.S. 555, 580, n. 17 (1980), *see also* e.g.,
Lugosch v. Pyramid Co., 435 F.3d 110, 121 (2d Cir. 2006); **Publicker Indus., Inc. v. Cohen**, 733 F.2d
1059, 1061 (3d Cir. 1984); **Rushford v. New Yorker Magazine, Inc.**, 846 F.2d 249, 253 (4th Cir.
1988).

1 In light of the fact that there appears to be no reason to maintain this action under seal pursuant to
2 Plaintiff's Motion, and in light of the fact that there is a right for the public to have access to the records
3 filed in this case or to attend the Court hearings and trial, this matter should be unsealed.

4 DATED this 20 day of October, 2014.
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6 **LAW OFFICE OF DANIEL MARKS**
7

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12 610 South Ninth Street
13 Las Vegas, Nevada 89101
14 Attorneys for Defendant Michael Simmons

15 **ORDER**

16 IT IS SO ORDERED.
17

18 Dated: October 22, 2014
19

20 
21 United States Magistrate Judge
22

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on the 20th day of October, 2014, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with first class postage fully prepaid thereon, a true and correct copy of the foregoing **DEFENDANT MICHAEL BELMONTE'S (SIMMONS') MOTION TO UNSEAL**, to the addresses as follows:

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