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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NEWMARK GROUP, INC., G&E
ACQUISITION COMPANY, LLC and BGC
REAL ESTATE OF NEVADA, LLC

Case No. 2:15-cv-00531-RFB-EJY

Plaintiff,

ORDER

v.

AVISON YOUNG (CANADA) INC.;
AVISON YOUNG (USA) INC.; AVISON
YOUNG-NEVADA, LLC, MARK ROSE,
THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

Defendants.

Before the Court is Plaintiffs’ Memorandum Regarding September 19, 2022 Order on Defendants’ Motion to Seal (the “Memorandum”). ECF No. 612. The Memorandum explains that Exhibits B, C, N, HH, OO, TT, UU, WW, GGG, NNN, and OOO are neither publicly available nor were they ever made available to any third party. The contents of the information is properly sealed. Therefore, these documents will remain sealed.

The Memorandum further explains Exhibits DD, EE, FF, GG, JJ, KK, LL, NN, PP, RR, XX, YY, ZZ, AAA, HHH, JJJ, KKK, LLL, and MMM were made available to third parties on a limited basis, but should remain sealed because the contents of these documents forms part of the basis for Plaintiffs’ trade secret claims. The Court finds Exhibits DD, EE, FF, GG, JJ, KK, LL, NN, PP, RR, XX, YY, ZZ, AAA, HHH, JJJ, KKK, LLL, and MMM are not properly disclosed to the public. Therefore, Exhibits DD, EE, FF, GG, JJ, KK, LL, NN, PP, RR, XX, YY, ZZ, AAA, HHH, JJJ, KKK, LLL, and MMM are properly sealed. *Metallurgical Indus. Inc. v. Fourtek, Inc.*, 790 F.2d 1195, 1200 (5th Cir. 1986).

With respect to Exhibit CCC, Plaintiffs explain the document is an email with ten attachments. One of the ten attachments is a copy of the G&E Commercial Salesperson’s Policies

1 & Procedures Manual, which Plaintiffs aver is a misappropriated trade secret. Plaintiffs agree that
2 the portion of Exhibit CCC comprising non-G&E materials is properly unsealed. Exhibit CCC is
3 445 pages long. The G&E Commercial Salesperson's Policies & Procedures starts on page 177 and
4 ends 166 pages later. This document shall remain sealed. The remainder of the documents originate
5 with Avison Young. The Court finds Exhibit CCC is properly refiled as two exhibits. One of the
6 two new exhibits must contain only the G&E Commercial Salesperson's Policies & Procedures.
7 This exhibit must be filed under seal. The second of the two new exhibits must contain all other
8 documents that are now part of the Exhibit CCC. This exhibit must be filed on the public record.

9 Exhibit QQQ is a document containing multiple exhibits confidentially filed with the State
10 of Washington Human Rights Commission. The document contains personal identifiable
11 information, such as social security numbers, for individuals unassociated with the present litigation.
12 This document shall remain sealed.

13 Accordingly, IT IS HEREBY ORDERED that the Motion for Leave to Redact Defendants'
14 Motion for Sanctions Pursuant to Fed. R. Civ. P. 30(d)(2) and 37(d) and for Continuation of 30(B)(6)
15 Depositions and File Under Seal Certain Exhibits (ECF No. 603) is GRANTED such that Exhibits
16 B, C, N, DD, EE, FF, GG, HH, JJ, KK, LL, NN, OO, PP, RR, TT, UU, WW, XX, YY, ZZ, AAA,
17 GGG, NNN, HHH, JJJ, KKK, LLL, MMM, OOO, and QQQ filed at ECF No. 602 shall remain
18 sealed.

19 IT IS FURTHER ORDERED that no later than **October 27, 2022**, Defendants must refile
20 Exhibit CCC as two exhibits: one exhibit must contain only the G&E Commercial Salesperson's
21 Policies & Procedures and shall be filed under seal; the second exhibit must contain all other
22 documents that are now part of the Exhibit CCC and shall be filed on the public record.

23 Dated this 20th day of October, 2022.

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25 
26 ELAYNA J. YOUCHAK
27 UNITED STATES MAGISTRATE JUDGE
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