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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HOLLYWOOD CITIZEN NEWS OPERATING COMPANY, LLC, and HOLLYWOOD CITIZEN NEWS F&B, LLC, Plaintiffs, v. TEN FIVE HOSPITALITY LLC, and DAN DALEY, Defendants.	CASE NO.: 2:23-cv-01126-APG-DJA **JOINT STATUS REPORT ON DOCUMENTS SEALED PURSUANT TO DEFENDANTS/COUNTERCLAIM-PLAINTIFFS' MOTION TO SEAL (ECF No. 58)**
DAN DALEY, TEN FIVE HOSPITALITY LLC and 1545 F&B MANAGER LLC, Counterclaim Plaintiffs, v. HOLLYWOOD CITIZEN NEWS OPERATING COMPANY, LLC, HOLLYWOOD CITIZEN NEWS F&B, LLC, RELEVANT HOSPITALITY LLC, and ZHAOXU CHEN a/k/a VINCENT CHEN, Counterclaim Defendants.	

Plaintiffs and Counterclaim Defendants Hollywood Citizen News Operating Company, LLC and Hollywood Citizen News F&B, LLC (collectively "Plaintiffs"), and Defendants and Counterclaim Plaintiffs, Ten Five Hospitality LLC and Dan Daley (the "Defendants," and, together with Plaintiffs, the "Parties"), respectfully submit this Joint Status Report with respect to issues raised in the October 10th, 2023 hearing concerning the Ten Five Parties' Motion to Seal (ECF No. 58) Exhibits B, C, and D to the Declaration of Dan Daley, which were filed publicly in fully redacted form at ECF No. 57-2, and lodged under seal, in connection with the Defendants' Reply in Support of their Motion to Dismiss (ECF No. 57).

During the October 10th hearing, the Court instructed the Parties to confer about the Motion to Seal, and, if the Parties believed that certain documents should be kept under seal, the Court instructed Plaintiffs to provide their justification. Since the October 10th hearing, the Parties have met and conferred regarding which of the sealed exhibits needed to remain under seal, if any.

Plaintiffs have agreed that Exhibits B and D of ECF No. 57-2, which reflect organizational charts for entities affiliated with Plaintiffs, may be unsealed. For the reasons set forth below, Plaintiffs believe that Exhibit C of ECF No. 57-2 should be filed with a redaction to a non-public operating agreement for Relevant Hospitality, and Defendants do not oppose Plaintiffs' re-filing Exhibit C of ECF No. 57-2 in that redacted form.

Plaintiffs' proposed redactions are attached to this report as **Exhibit A.**

Plaintiffs request permission to file a redacted copy of Exhibit C to the Daley Declaration (filed at ECF No. 57-2), which reflects the Operating Agreement for Relevant Hospitality, LLC (the "Operating Agreement"), because it contains detailed and commercially sensitive information. The information contained in the Operating Agreement is not publicly available and is not of interest to the public. Given the sensitivity of the information and commercial terms contained in the Operating Agreement, there are "'compelling reasons' sufficient to outweigh the public's interest in disclosure." *See Kamakana v. City and Cnty. Of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

Courts in this District have ruled that compelling reasons exist to justify sealing records

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that contain "sensitive business and financial information that may cause competitive harm if unsealed." *Snap Lock Indus., Inc. v. Swisstrax Corp.*, 2021 WL 3082561, at *2 (D. Nev. July 21, 2021) (granting motions to seal documents "contain[ing] financial information," documents containing "confidential and proprietary information related to the marketing and sales" of products, documents "contain[ing] sensitive advertising and marketing information" and documents "contain[ing] business strategies"); *Playup, Inc. v. Mintas*, 2021 WL 5763557, at *1 n.2 (D. Nev. Dec. 3, 2021) (finding compelling reasons to seal a operations agreement because it "contain[ed] commercially sensitive proprietary information regarding [movant's] operations, processes, and procedures with [movant's] partners."). The Operating Agreement is just such a record, containing detailed information relating to how Relevant Hospitality is run, release of which to the public would expose Relevant Hospitality to potential competitive harm.

On the other hand, the public has little interest in the redacted content of the Operating Agreement, and any interest it does have is outweighed by Relevant Hospitality's interest in protecting its "proprietary business practices." *See Selling Source, LLC v. Red River Ventures, LLC*, No. 2:09-CV-01491-JCM, 2011 WL 1630338, at *2 (D. Nev. Apr. 29, 2011) (granting motion to seal documents discussing "the parties' business operations . . . [and] corporate structure[.]"). Redacting the document to protect those particulars will in no way hamper "the public's understanding of the judicial process" as relates to any aspect of this trademark-infringement action, not least the now-decided Motion to Stay or Dismiss, in connection with which these documents were filed. *Kamakana*, 447 F.3d at 1179 (internal quotation marks and citations omitted).

Because compelling reasons exist to shield the sensitive business information in the Operating Agreement from public disclosure, this Court should allow the Operating Agreement to remain under seal and allow Plaintiffs to re-file the document with redactions.

For the reasons set forth above, Plaintiffs respectfully request the Court's permission to re-file the Operating Agreement submitted as part of ECF No. 57-2 with the redactions proposed at **Exhibit A.**

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IT IS SO STIPULATED.

Dated this 9th November 2023.

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Dated this 9th November 2023.

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Attorneys for Defendants

ORDER

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: November 13, 2023

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