

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RALPH VARGAS AND BLAND RICKY
ROBERTS,

Plaintiffs,

v.

PFIZER INC., PUBLICIS, INC., FLUID MUSIC,
EAST WEST COMMUNICATIONS, INC., AND
BRIAN TRANSEAU P/K/A "BT",

Defendants.

04 CV 9772 (WHP)
ECF CASE

**DEFENDANTS' MOTION FOR AN ORDER PERMITTING PARTIES TO FILE
MOTION FOR COSTS AND ATTORNEYS' FEES UNDER SEAL**

Defendants Transeau and East West Communications (collectively "Defendants") file this Motion to Seal portions of Defendants' Motion for Costs and Attorney's fees. In support of this Motion, Defendants respectfully ask the Court to consider the following:

GROUND FOR MOTION

On December 6, 2005, the Court signed a Confidentiality Order governing the use of Confidential Discovery Materials or Information in the above-captioned matter. Paragraph 8 of the Confidentiality Order states as follows:

8. In the event that counsel for any party or non-party determines to file in, or submit to, this Court any Confidential Discovery Materials, information derived therefrom, or any papers containing or making reference to such materials or information, all pages containing such Confidential Discovery Materials or Information pertaining thereto shall be filed only in sealed envelopes on which shall be endorsed the caption of this action and which shall clearly bear the words "CONFIDENTIAL – FILED UNDER SEAL." Parties

must obtain leave of Court before filing [sic] any document under seal. All materials filed under seal shall be available to the Court and to counsel for the parties for viewing and/or copying. Filing under seal shall be without prejudice to any party's right to argue to the Court that such documents or information is not confidential and need not be preserved under seal. Pages of documents or deposition transcripts from which Confidential Discovery Material has been redacted shall be filed in the public record.

Confidentiality Order, pp. 4-5, ¶ 8. Defendants have prepared a Motion for Costs and Attorneys' Fees, a Memorandum in Support of their motion, and a supporting declaration with exhibits thereto. The Memorandum in Support of Defendants' Motion and certain exhibits, including the Settlement Agreement between Plaintiffs and Pfizer, Inc., Publicis, Inc. and Fluid Music, Inc., contain Confidential Information. In addition, Plaintiffs' opposition papers to Defendants' Motion may contain Confidential Information. Plaintiffs support the motion to file the Settlement Agreement and arguments in the papers referencing the Settlement Agreement under seal.

Defendants respectfully request that the Court grant this Motion and enter an order allowing those pages of Defendants' Memorandum, as well as Defendants' Reply Memorandum, and any supporting exhibits which contain Confidential Information, and the pages of Plaintiffs' opposition papers and supporting documents that contain Confidential Information, to be filed under seal pursuant to Paragraph 8 of the Confidentiality Order.

Dated: June 19, 2007

By: _____ /s/

Julie A. Ahrens (JA 0372)
Anthony T. Falzone
STANFORD LAW SCHOOL
559 Nathan Abbott Way
Stanford, CA 94305-8610
Telephone: (650) 724-0517
Facsimile: (650) 723-4426

Attorneys for Defendant
BRIAN TRANSEAU p/k/a "BT"

Dated: June 19, 2007

By: _____ /s/

Eric M. Stahl
DAVIS WRIGHT & TREMAINE LLP
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-1688
Telephone: (206) 622-3150
Facsimile: (206) 757-7700

Attorneys for Defendant
EAST WEST COMMUNICATIONS, INC.

IT IS SO ORDERED.

Dated: _____

William H. Pauley III
United States District Judge