

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS LLC fka CAPITOL RECORDS,
INC.; ELEKTRA ENTERTAINMENT
GROUP INC.; INTERSCOPE RECORDS;
LAFACE RECORDS LLC; MOTOWN
RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY MUSIC
ENTERTAINMENT, fka SONY BMG
MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC;
MARK GORTON; and M.J.G. LIME WIRE
FAMILY LIMITED PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION TO FILE CONFIDENTIAL MATERIAL UNDER SEAL**

Glenn D. Pomerantz (*pro hac vice*)
Kelly M. Klaus (*pro hac vice*)
Melinda E. LeMoine
Jonathan H. Blavin (*pro hac vice*)
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Date: February 25, 2011

NOTICE TO THE COURT, DEFENDANTS AND THEIR COUNSEL OF RECORD:

Pursuant to the Amended Protective Order entered in this action on January 6, 2011, Plaintiffs hereby move this Court to place under seal, until further order of this Court, the following documents:

- Memorandum of Law in Support of Plaintiffs' Motion *In Limine* to Preclude any Argument or Evidence Concerning Defendants' Purported Belief in the Lawfulness of their Conduct (unredacted)
- Exhibits 2-5 to the Declaration of Kelly M. Klaus in Support of Plaintiffs' Motion *In Limine* to Preclude any Argument or Evidence Concerning Defendants' Purported Belief in the Lawfulness of their Conduct (unredacted)
- Memorandum of Law in Support of Plaintiffs' Motion *In Limine* to Preclude Defendants From Asserting Privilege Over Communications With Fred von Lohmann or The Electronic Frontier Foundation (unredacted)
- Exhibits 1, 5, 7 10-13, and 16-18 to the Declaration of Susan Traub Boyd in Support of Plaintiffs' Motion *In Limine* to Preclude Defendants From Asserting Privilege Over Communications With Fred von Lohmann or The Electronic Frontier Foundation (unredacted)
- Exhibits 1 and 2 to the Declaration of Melinda Eades LeMoine in Support of Plaintiffs' Motion *In Limine* to Preclude Evidence or Argument Inconsistent With Facts Established at Summary Judgment (unredacted)

The above-referenced documents contain material that has been designated by Defendants or third parties as either Confidential or Confidential-Attorney's Eyes Only under the Amended Protective Order, a copy of which is on file with the Court (Dkt. 400). Paragraph 15 of the Amended Protective Order requires a party submitting Confidential or Confidential-Attorney's Eyes Only material to the Court to file such material under seal to protect it from disclosure. Plaintiffs are simultaneously electronically filing a version of these documents that narrowly redacts only that material the Protective Order requires Plaintiffs to keep confidential. Plaintiffs do not believe such materials in fact contain confidential information, but are obligated

to move to seal them because of the confidentiality designations given by Defendants or other third parties.

Plaintiffs also seek to file under seal the following documents:

- Memorandum of Law In Support of Plaintiffs' Motion *In Limine* to Preclude Evidence and Argument Regarding Prior Settlement Communications (unredacted)
- Exhibits 1 and 2 to the Declaration of Melinda E. LeMoine in Support of Plaintiffs' Motion *In Limine* to Preclude Evidence and Argument Regarding Prior Settlement Communications (unredacted)

These documents contain confidential information regarding settlement discussions that Plaintiffs are obligated not to make public.

Plaintiffs will include this Motion in the Letter Your Honor directed the parties to submit by March 11 collecting all of the requests for under seal treatment that have been filed since January 14.

Dated: February 25, 2011

Respectfully submitted

/s/ Kelly M. Klaus

Kelly M. Klaus

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