

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
Susan T. Boyd (*pro hac vice*)
Jonathan H. Blavin (*pro hac vice*)
Munger, Tolles & Olson LLP
355 South Grand Avenue
Los Angeles, CA 90071
(213) 683-9100
Attorneys for Plaintiffs

Date: March 7, 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:

- Reply Memorandum in Support of Motion *In Limine* to Preclude Defendants From Asserting Privilege Over Communications With Fred von Lohmann or the Electronic Frontier Foundation (unredacted)
- Exhibit 1 to Reply Declaration of Melinda E. LeMoine In Support of Motion to Preclude Evidence or Argument Inconsistent With Facts Established At Summary Judgment

The above-referenced documents contains 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 redact 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 move this Court to place under seal, until further order of this Court, the following document:

- Reply Memorandum of Law in Support of Plaintiffs' Motion *In Limine* to Preclude Evidence or Argument Concerning Prior Settlement Discussions (unredacted)

The above-referenced document contains material concerning confidential discussions that Plaintiffs are obligated not to make public. Plaintiffs are simultaneously electronically filing

a version of the above-referenced Memorandum of Law that redacts confidential material from this document.

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: March 7, 2011
San Francisco, CA

Respectfully submitted

/s/Susan Traub Boyd
Susan Traub Boyd

Attorney for Plaintiffs
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105-2907
(415) 512-4000
(213) 687-3702 (Fax)