

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LEVTEC, LLC,	:	Case No. 3:14-cv-00276
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
MICHELLE BARKAN, et al.,	:	
	:	
Defendants.	:	

**ENTRY AND ORDER GRANTING IN PART MOTION OF PLAINTIFF
LEVTEC, LLC, FOR LEAVE TO FILE EXHIBITS UNDER SEAL (DOC. 52)**

This case is before the Court on the Motion of Plaintiff Levtec, LLC (“Levtec”), for Leave to File Exhibits under Seal (Doc. 52). Levtec originally sought leave to file under seal two insertion orders (labeled TURN000149 and TURN000150) and “various emails between or among Turn representatives.” (*Id.* at 2.) On May 13, 2016, the Court ordered the parties to provide additional information regarding the confidentiality of these documents. (Doc. 53.) On May 20, 2016, Defendant Turn, Inc. (“Turn”) responded to the Court’s Order. On May 25, 2016, Levtec withdrew its request to file the two insertion orders under seal and identified the “various emails” that it seeks to file under seal. (Doc. 56.) On May 31, 2016, Turn replied to Levtec’s memorandum. (Doc. 60.) This matter is now fully briefed and ripe for review.

Turn complains that Levtec failed to identify the specific exhibits that it wishes to file under seal until May 25, 2016, and, as a result, Turn did not have time to adequately respond to the emails in its reply (filed May 27, 2016) in support of its motion for summary judgment.

(Doc. 60 at 1.) In response to Levtec's motion to seal, Turn therefore both addressed the confidentiality of Levtec's exhibits and argued that they fail to create a genuine issue of material fact precluding summary judgment in its favor. The only question now before the Court, however, is whether the parties have established good cause to seal Levtec's exhibits. The Court will consider Turn's and Levtec's arguments regarding the exhibits' relevance when ruling on the motions for summary judgment.

WHEREFORE, upon good cause shown, Levtec's Motion for Leave to File Exhibits under Seal (Doc. 52) is **GRANTED** as to the emails identified by Bates numbers TURN000115, TURN000287, TURN000313, TURN000702, and TURN000744. The Motion is **DENIED** as to all other exhibits, which may be filed in the Court's public docket if Levtec wishes to do so.

DONE and ORDERED in Dayton, Ohio, this Friday, June 3, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE