

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICKY B. PERRITT, Individually; §
THE CUPCAKERY, LLC, a Texas Limited §
Liability Company; BUSTER BAKING, §
LLC, a Texas Limited Liability Company; §
THE WOODLANDS BAKING, LLC, §
a Texas Limited Liability Company; §
CUSTOM VERSION CORPORATION, §
a Texas Corporation §

Plaintiffs, §

Civil Action No. 4:11-CV-23

v. §

PAMELA F. JENKINS, Individually; and §
THE CUPCAKERY LLC, a Nevada §
Limited Liability Company §

Defendants. §

**UNOPPOSED MOTION TO FILE PLAINTIFFS’ RESPONSE BRIEF IN OPPOSITION
TO DEFENDANTS’ MOTION TO TRANSFER VENUE UNDER SEAL**

Plaintiffs RICKY B. PERRITT, Individually, THE CUPCAKERY, LLC, a Texas Limited Liability Company, BUSTER BAKING, LLC, a Texas Limited Liability Company, THE WOODLANDS BAKING, LLC, a Texas Limited Liability Company, and CUSTOM VERSION CORPORATION, a Texas Corporation (collectively “Plaintiffs”), by and through their attorneys, hereby move this Court to file their Response Brief in Opposition to Defendants’ Motion to Transfer Venue and all accompanying exhibits and attachments (collectively “Response to Motion to Transfer”) under seal. Plaintiffs attach a copy of the April 12, 2011 deposition transcript of Defendant Pamela Jenkins to their Response to Motion to Transfer and discuss Ms. Jenkins’ deposition testimony in their Response brief. Despite the fact that they did not object to disclosure and/or note the testimony as confidential on the record at the deposition,

Defendants contend Ms. Jenkins' deposition transcript is confidential. Plaintiffs dispute this characterization and do not believe that Ms. Jenkins' deposition transcript is confidential. However, Plaintiffs move to file their Response to Motion to Transfer under seal until this issue is resolved.

Counsel for Plaintiffs has conferred with counsel for Defendants in the above styled and numbered cause, and counsel for Defendants does not oppose this motion and in fact requested that the Response to Motion to Transfer be filed under seal. Accordingly, Plaintiffs respectfully request that the Court grant Plaintiffs' motion to file their Response to Motion to Transfer and all accompanying exhibits and attachments under seal.

Respectfully submitted,

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/s/ Clyde M. Siebman

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 27th day of May, 2011, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ Clyde M. Siebman

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Plaintiffs have complied with LR CV-7(h) and counsel for Defendants has indicated that this Motion is **not** opposed.

/s/ Clyde M. Siebman