

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES S. GORDON, et al.,

Plaintiffs,

v.

VIRTUMUNDO, INC. et al.,

Defendants.

Case No. CV06-0204 JCC

**PLAINTIFFS' MOTION TO SEAL
DECLARATION OF DEREK A.
NEWMAN (DKT. NO. 101)**

[NOTED FOR HEARING MAY 4, 2007]

1 Pursuant to Local Rule 5(g) and Paragraphs 13 and 15 of this Court's October 26, 2006
2 Protective Order filed in the above-captioned action (Dkt. No. 37) (hereinafter the "Protective
3 Order"), Plaintiffs file this motion to seal the Declaration of Derek A. Newman filed by
4 Defendants in Support of Their Motion for Summary Judgment, and the accompanying exhibit
5 (Dkt. No. 101) (hereinafter "Newman Declaration"). Specifically, Plaintiffs designate certain
6 information contained on pages 38, 80, 82, and 83 of the deposition transcript of James Gordon,
7 attached as Exhibit A of the Newman Declaration ("Gordon Dep. Transcript"), as confidential
8 information pursuant to the Protective Order.
9

10 Good cause exists to seal the Newman Declaration. The pages of the deposition
11 transcript identified above disclose information that is protected by a confidential settlement
12 agreement entered into between Plaintiffs and a third party. Such information should be sealed
13 to protect the intent and expectations of the parties to that settlement to keep such information
14 confidential.

15 Paragraph 13 of the Protective Order states that "[a]ll materials containing
16 CONFIDENTIAL INFORMATION that are submitted to the Court . . . shall remain confidential
17 and shall be accorded in camera treatment." Paragraph 15 further states that the "inadvertent or
18 unintentional disclosure of confidential information shall not be construed to be a waiver, in
19 whole or in part, of [the supplying or obtaining party's] claims of confidentiality."
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1 Here, the information on pages 38, 80, 82, and 83 were disclosed inadvertently. During
2 the deposition of James S. Gordon, counsel for both parties agreed to have pages 39 through 75
3 of the Gordon Dep. Transcript, which included information relating to the confidential settlement
4 agreement between Plaintiffs and a third party, “marked as confidential pursuant to the protective
5 order.” See Dkt. No. 101, Ex. A (Transcript of the Deposition of James Gordon, Jr., Plaintiff),
6 38:8-9; see also id. at 36:10-37:14. These pages were already redacted from the submitted
7 exhibit pursuant to counsel’s agreement. See Dkt. No. 101, Ex. A (Transcript of the Deposition
8 of James Gordon, Jr., Plaintiff), 39-75. However, the information on pages 38, 80, 82, and 83 of
9 the Gordon Dep. Transcript, relating to this same subject, were not excerpted by inadvertence.
10 Now, having identified such confidential information, Plaintiffs move to seal the confidential
11 information contained on pages 38, 80, 82, and 83 of the Gordon Dep. Transcript.¹

12 DATED: April 13, 2007.

13 I.JUSTICE LAW, P.C.
14

15
16 By /s/ Robert J. Siegel
17 Robert J. Siegel, WSBA No. 17312
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26 ¹ Because the Court’s ECF system does not allow parties to seal individual pages of an
electronically-filed document, Plaintiffs move to seal the document in its entirety.

1 **Certificate of Service**

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3 I, hereby, certify that on April 13, 2007, I filed this affidavit with this Court via approved
4 electronic filing, and served the following:

5 Attorneys for Defendants: Derek A. Newman, Newman & Newman .

6
7 /s/ Robert J. Siegel
8 **Robert J. Siegel, WSBA #17312**