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Hon. James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JOHN R. BUND II, personally, as Executor of
the Estate of Richard C. Bund, deceased;
MANDY HANOUSEK and GARETT
HANOUSEK, a married couple, and on behalf
of others similarly situated,

Plaintiff,

vs.

SAFEGUARD PROPERTIES, LLC, a
Delaware corporation,

Defendant.

~~No. 2:16-cv-920-JLR~~

THIRD STIPULATED MOTION TO
SEAL AND ORDER

**NOTED FOR HEARING: August 4,
2017**

I. INTRODUCTION

The Court previously granted the parties' stipulated motions to seal certain documents
Plaintiffs filed in support of their motion for class certification. Dkt. # 89, 92. On August 4,
2017, Plaintiffs will file confidential documents with their reply brief. The parties ask that the
Court seal them for the reasons in the two referenced Orders and as set forth below.

II. STATEMENT OF FACTS

On Thursday, August 4, 2017, Plaintiffs' counsel alerted Defendant's counsel that
Plaintiffs intend to file documents designated confidential pursuant to the protective order's
enumerated category of defendant's policies and procedures. See Dkt. No. 68, p. 2:3-8 (¶ 2),
p. 6:8-13 (¶ 5.3).

THIRD STIPULATED MOTION TO SEAL - 1
2:16-cv-920 JLR
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LEE SMART
P.S., Inc. • Pacific Northwest Law Offices
1800 One Convention Place • 701 Pike Street • Seattle • WA • 98101-3929
Tel. 206.624.7990 • Toll Free 877.624.7990 • Fax 206.624.5944

1 Plaintiffs will file the following as exhibits to the Supplemental Declaration of Clay M.
2 Gatens in Support of Plaintiffs' Motion for Class Certification ("Supp. Gatens. Decl."):

- 3
- 4 • Exhibit H, "scorecard" report to one of Defendant's clients;
 - 5 • Exhibit I, vendor scorecard policy; and
 - 6 • Exhibit J, "heat maps," described as a geospatial representation of deficiencies
7 in performance relative to work performed, normalized for volume.

8 The parties conferred pursuant to LCR 5(g)(1)(A) on Thursday, August 4, 2017, to
9 discuss and to explore alternatives to filing documents under seal. Attorneys Devon Gray (for
10 Plaintiffs) and Pamela DeVet (for Defendant) conferred via telephone. The parties certify the
11 foregoing pursuant to LCR 5(g)(3)(A).

12 Plaintiffs do not challenge Defendant's confidentiality designations in connection with
13 the documents they will file with the reply in support of their motion for class certification.

14 III. ARGUMENT AND AUTHORITY

15 The parties incorporate by this reference the contents of the Stipulated Motion to Seal,
16 Dkt. # 84, and Order Dkt. # 89, as if fully set forth herein. The same reasoning applies to the
17 exhibits addressed in this follow-up motion, as augmented by the information in this brief.

18 Exhibit I is one of Defendant's policies and procedures, an enumerated category in the
19 protective order. Dkt. # 68, p. 2 (¶ 2(1)(a)). Exhibits H and J are examples of the methods by
20 which Safeguard tracks and handles its quality control measures, and how it reports these
21 measures to its clients. These documents reveal proprietary business operations and trade
22 secrets – the sort of information that courts regularly protect from public disclosure. Dkt. # 89,
23 pp. 2-6.

24 These exhibits are trade secrets, because they contain "any 'formula, pattern, device or
25 compilation of information which is used in [Defendant's] business, and which gives

1 [Defendant] an opportunity to obtain an advantage over competitors who do not know or use
2 it.” *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569–70 (9th Cir. 2008) (quoting Restatement of
3 Torts § 757, cmt. B). “Once [the material] is released to the public, [Defendant] will be
4 irreparably damaged in a way not correctable on appeal.” *Id. Accord*, Dkt. # 89, pp. 2-6
5 (additional cases cited therein). Defendant’s interest in protecting its trade secrets and
6 proprietary business practices outweighs the general public’s interest in public filings and in
7 understanding the judicial process.

8 The Court has good cause and compelling reasons to seal Exhibits H, I, and J to the
9 Supplemental Gatens Declaration.

10 IV. CONCLUSION

11 For the foregoing reasons, the parties jointly request that the Court grant the motion to
12 seal the documents pursuant to the protective order and the requirements under the local rules.
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Respectfully submitted this 4th day of August, 2017.

LEE SMART, P.S., INC.

By: s/Pamela J. DeVet

Marc Rosenberg, WSBA No. 31034
Pamela J. DeVet, WSBA No. 32882
Of Attorneys for Defendant
Safeguard Properties Management, LLC
Lee Smart, P.S., Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101
206-624-7990
mr@leesmart.com
pjd@leesmart.com

Respectfully submitted this 4th day of August, 2017.

JEFFERS, DANIELSON, SONN &
AYLWARD, P.S.

By: s/Clay M. Gatens

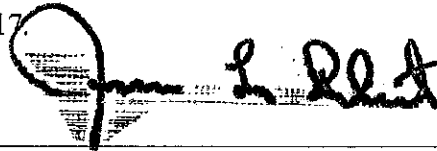
Clay M. Gatens, WSBA No. 34102
Sally F. White, WSBA No. 49457
Devon A. Gray, WSBA No. 51485
Jeffers, Danielson, Sonn & Aylward, P.S.
2600 Chester Kimm Road
P.O. Box 1688
Wenatchee, WA 98807-1688
Telephone: 509-662-3685
Fax: 509-662-2452
Email: ClayG@jdsalaw.com
SallyW@jdsalaw.com
DevonG@jdsalaw.com
Attorneys for Plaintiffs

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ORDER OF THE COURT

For the reasons set forth above and in Dkt. # 89, the Court grants the parties' Third Stipulated Motion to Seal.

Dated this 14th day of August, 2017.



THE HONORABLE JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on the date provided at the signature below, I electronically filed the preceding document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

Mr. Clay Gatens
Ms. Sally F. White
Ms. Devon A. Gray
Jeffers, Danielson, Sonn & Aylward, P.S.
2600 Chester Kimm Road
Wenatchee, WA 98801-811
clayg@jdsalaw.com
leel@jdsalaw.com

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my knowledge.

DATED this 4th day of August, 2017 at Seattle, Washington.

LEE SMART, P.S., INC.

By: /s/ Pamela J. DeVet

Marc Rosenberg, WSBA No. 31034
Pamela J. DeVet, WSBA No. 32882
Of Attorneys for Defendant
Safeguard Properties Management, LLC
Lee Smart, P.S., Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101
206-624-7990
mr@leesmart.com
pjd@leesmart.com