

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COSMOS GRANITE (WEST), LLC, a
Washington limited liability company,

Plaintiff,

v.

MINAGREX CORPORATION, d/b/a MGX
Stone,

Defendant.

Case No. 2:19-cv-01697-RSM

**STIPULATED MOTION TO SEAL
PLAINTIFF’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

**Noted on Motion Calendar:
August 18, 2021**

Pursuant to Local Civil Rule 5(g), Plaintiff, Cosmos Granite (West), LLC (“Cosmos”) and Defendant, Minagrex Corporation d/b/a/ MGX Stone (“Minagrex”) jointly request that the Court enter an order to Seal/Redact Plaintiff’s Motion for Partial Summary Judgment (“Plaintiff’s Motion:”). Minagrex understands that Plaintiff’s Motion relies on, references, or quotes Exhibits 11, 16, 17, 18, 19, 23, 26, 27, 28, 29, 30, 33, 35, 37, 68, 70, 79, 82, 83, and 88 to the supporting Declaration of Rachel S. Black (“Black Declaration”), and alleges that such Exhibits contain confidential information pursuant to the Protective Order entered in this case. Plaintiff takes no position concerning the confidentiality of the aforementioned exhibits or reference thereto in Plaintiff’s Motion. Plaintiff contends that Plaintiff’s Motion references information from Black Declaration Exhibits 2 and 3, which contain confidential information pursuant to the Protective

1 Order entered in this case. Defendant takes no position concerning the confidentiality of Exhibits 2
2 and 3 and any references thereto in Plaintiff's Motion.

3 Defendant's position is that the designation of Exhibits 11, 16, 17, 18, 19, 23, 26, 27, 28,
4 29, 30, 33, 35, 37, 68, 70, 79, 82, 83, and 88, and references thereto in Plaintiff's Motion, should
5 be maintained to protect the legitimate private interests of Minagrex and third-parties, to which it
6 owes an obligation of confidentiality, in accordance with the Stipulated Protective Order [Dkt. 16].
7 Specifically, Minagrex believes that the Exhibits referenced satisfy, individually and collectively,
8 the requirements set forth in ¶2.2 (a), (c), (d), (e), (f), and ¶2.3 of the Stipulated Protective Order
9 [Dkt. 16]. Said Exhibits contain confidential sales information, trade secrets, confidential and sales
10 related communications with third-parties to which Minagrex believes it owes a duty of
11 confidentiality, agreements with third-parties that are not otherwise, supplier lists, information
12 related to the ownership or control of a non-public company, and other previously non-disclosed
13 sales and financial information worthy of the Court's protection as specified in the Stipulated
14 Protective Order [Dkt. 16].

15 Plaintiff's position is that information in Plaintiff's Motion from Exhibits 2 and 3 should be
16 filed under seal to protect the legitimate private interests of Plaintiff in accordance with the
17 Protective Order issued in this case (Dkt. #16). Exhibits 2 and 3 contain confidential proprietary,
18 and private information that Plaintiff designated as Confidential pursuant to and consistent with the
19 Protective Order entered in this case, because it contains previously nondisclosed information
20 relating to the ownership and control of Plaintiff, a non-public company. Plaintiff has a legitimate
21 business interest in keeping information relating to its ownership and control private, and thus
22 requires that this document be filed under seal. *See* Dkt. #16 at p. 2 ¶ 2.2(a) (stating that confidential
23 information includes "previously nondisclosed material relating to ownership or control of any non-
24 public entity).

25 After review of each referenced Exhibit, ¶4.4 of the Stipulated Protective Order and Local
26 Rule 5(g), Minagrex and Plaintiff both believe that a less restrictive alternative is not sufficient to
27

1 protect the confidential information referenced above because redaction of the same would
2 substantively frustrate the purpose of its admission.

3 Plaintiff is filing publicly a redacted Motion concurrently herewith.

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5 Dated: August 18, 2021

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17 Dated: August 18, 2021

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CERTIFICATE OF CONFERENCE

1 Counsel for Plaintiff conferred with counsel for Defendant in a telephonic meet and confer
2 on August 18, 2021 (Chelsea Samuels and Walker Young participated), and counsel agreed that,
3 per Minagrex’s and Plaintiff’s representations concerning the confidentiality of the documents at
4 issue, a Stipulated Motion Seal was proper to protect the confidential information, and that there
5 was no alternative to filing under seal.
6

7 /s/ Rachel S. Black
8 Rachel S. Black

ORDER

Based upon the foregoing and for good cause shown, the Court ORDERS that the Stipulated Motion to Seal is GRANTED.

DATED this 16th day of September, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Rachel S. Black
Rachel S. Black

Hon. Ricardo S. Martinez

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