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7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **ASIS INTERNET SERVICES, a California**)
corporation,)

11 **Plaintiff,**)
12 **vs.**)

13 **OPTIN GLOBAL, INC., a Delaware**)
14 **Corporation, also dba Vision Media**)
15 **Limited Corp., USA Lenders Network,**)
16 **USA Lenders, and USA Debt**)
Consolidation Service; et al.,)

17 **Defendants.**)

Case No. C-05-5124 JCS

**ADMINISTRATIVE MOTION TO SEAL
CERTAIN DOCUMENTS FILED IN SUPPORT
OF PLAINTIFF'S MOTION FOR SUMMARY
ADJUDICATION OF ISSUES AND
DECLARATION OF RICHARD E.
GRABOWSKI IN SUPPORT THEREOF**

DATE: IN CHAMBERS

18 PLEASE TAKE NOTICE that Plaintiff, ASIS INTERNET SERVICES, INC., hereby
19 moves for an order permitting the filing under seal of certain documents submitted in support
20 of Plaintiff's Motion for Summary Adjudication of Issues pursuant to Local Rule 79-5.

21 **I. PROCEDURAL HISTORY**

22 On December 21, 2006, this Court issued a Protective Order (Doc. #148), the terms of
23 which were stipulated to by Plaintiff and Defendants in this matter.

24 This Protective Order defines "Protected Material" as "any Disclosure or Discovery
25 Material that is designated as 'Confidential' or as 'Highly Confidential—Attorneys' Eyes Only'"
26 and prohibits the disclosure of "Protected Materials" except in certain enumerated
27 circumstances. Protective Order at 1:28-2:5. The Protective Order does not create any
28 entitlement in any party to file confidential information under seal, and it specifically

1 contemplates that any party desiring to file confidential information under seal will be required
2 to seek permission from the court pursuant to Civil Local Rule 79-5 to file such information.

3 Section 10 of the Protective Order is controlling. The section reads:

4 “Without written permission from the Designating Party or a court
5 order secured after appropriate notice to all interested persons, a
6 Party may not file in the public record in this action any Protected
7 Material. A Party that seeks to file under seal any Protected
8 Material must comply with Civil Local Rule 79-5.” Protective Order
9 at 10:11-14

10 II. ARGUMENT

11 Civil Local Rule 79-(b) and (d) provide that a party may request by motion, in
12 conformance with Civil L.R. 7-11, an order authorizing the sealing of part or all of a document
13 which is to be filed with the Court. The rule provides the court may issue a sealing order
14 where the information to be sealed in “privileged or protectable as a trade secret or otherwise
15 entitled to protection under the law.” The rule further provides that “[t]he request must be
16 narrowly tailored to seek sealing only of sealable material...” Civil L.R. 79-5(a).

17 Plaintiff moves to file under seal Exhibit J and Exhibit L to the Declaration of Richard
18 E. Grabowski.

- 19 1. Exhibit J consists of a contract (Insertion Order for Mortgage
20 Lead Test) between Defendant Azoogleads and Seamless
21 Media Corp and designated “Confidential” by Defendant
22 Azoogleads.
- 23 2. Exhibit L consists of a Marketing Agreement between
24 Quicken Loans, Inc. and Azoogleads.com, Inc., designated
25 “Confidential” by Quicken Loans.

26 Plaintiff files this motion in compliance with the Protective Order in this case and as a
27 good faith effort to maintain the confidentiality of certain documents designated by the parties
28 as “Highly Confidential—Attorneys’ Eyes Only.”

III. CONCLUSION

Based on the foregoing, Plaintiff respectfully request the Court issue an order,

