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6 **Attorneys for Plaintiff, ASIS Internet Services**

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 SUPPORT THEREOF**

DATE: IN CHAMBERS

18 PLEASE TAKE NOTICE that Plaintiff, ASIS INTERNET SERVICES hereby moves for
19 an order permitting the filing under seal of certain documents submitted in support of
20 Plaintiff's Motion for Evidentiary Sanctions 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 the following Exhibits to the Declaration of Richard E.
18 Grabowski in Support of Motion for Summary Adjudication:

19 EXHIBIT A: DON MATHIS DEPO, PAGES 111, 169, 269

20 EXHIBIT C: DEFENDANT AZOOGLE DOCUMENT PRODUCTION PAGES:
21 AZ-SP-002, 043, 045, 050

22 EXHIBIT I: DEFENDANT AZOOGLE DOCUMENT PRODUCTION PAGES:
23 AZ-05, 18-22, 125, 131-132

24 EXHIBIT J: MOSSANEN DEPO, PAGES 24, 25, 42-44, 55, 111, 112, 118-120,
25 129

26 EXHIBIT K: RICK OKIN DEPO, PAGES: 23, 24, 46, 52

27 EXHIBIT M: DEFENDANT QUICKEN LOANS PRODUCTION, PAGES: QL 17-
28 23

EXHIBIT Y: PLAINTIFF ASIS' EMAIL LIST, ATTACHMENT TO EXHIBIT W

Plaintiff also moves to file under seal the following Exhibits to the Declaration of Nella
White in Support of Motion for Summary Adjudication:

EXHIBIT C: ASIS SERVER CONFIGURATION FILES

EXHIBIT E: 2 CD'S CONTAINING UNREDACTED EMAILS

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

4 III. CONCLUSION

5 Based on the foregoing, Plaintiff respectfully request the Court issue an order,
6 pursuant to Civil Local Rule 79-5(b), permitting Plaintiff to file under seal Exhibit B to the
7 Declaration of Jason K. Singleton in support of Plaintiff’s Motion for Evidentiary Sanctions.

8 **SINGLETON LAW GROUP**

9 Dated: January 16, 2008

10 /s/ Richard E. Grabowski
11 Jason K. Singleton,
12 Richard E. Grabowski, Attorneys for Plaintiff,
13 **ASIS INTERNET SERVICES**

14 **DECLARATION IN SUPPORT OF MOTION TO SEAL**

15 I, RICHARD E. GRABOWSKI, declare as follows:

16 1. I am an attorney duly licensed to practice in the United States District Court,
17 Northern District of California, and I am one of the attorneys of record for Plaintiff. I have
18 personal and firsthand knowledge of each fact hereinafter set forth and if called to testify could
19 and would competently testify to the matters set forth herein.

20 2. Exhibits A, C, I, J, K, M, Y, to the Declaration of Richard E. Grabowski and
21 Exhibits C and E to the Declaration of Nella White have been designated confidential and are
22 protected by the Protective Order approved by the Court (Doc. 148) on December 21, 2006.

23 3. Submitted herewith by manual filing are true and correct copies of the following:

24 **EXHIBITS TO DECLARATION OF RICHARD GRABOWSKI:**

25 EXHIBIT A: DON MATHIS DEPO, PAGES 111, 169, 269

26 EXHIBIT C: DEFENDANT AZOOGLE DOCUMENT PRODUCTION PAGES:
27 AZ-SP-002, 043, 045, 050

28 EXHIBIT I: DEFENDANT AZOOGLE DOCUMENT PRODUCTION PAGES:
AZ-05, 18-22, 125, 131-132

EXHIBIT J: MOSSANEN DEPO, PAGES 24, 25, 42-44, 55, 111, 112, 118-120,
129

1 EXHIBIT K: RICK OKIN DEPO, PAGES: 23, 24, 46, 52

2 EXHIBIT M: DEFENDANT QUICKEN LOANS PRODUCTION, PAGES: QL 17-
23

3 EXHIBIT Y: PLAINTIFF ASIS' EMAIL LIST, ATTACHMENT TO EXHIBIT W

4 EXHIBITS TO DECLARATION OF NELLA WHITE:

5 EXHIBIT C: ASIS SERVER CONFIGURATION FILES

6 EXHIBIT E: 2 CD'S CONTAINING UNREDACTED EMAILS

7 I declare under penalty of perjury under the laws of the United States that the
8 foregoing is true and correct.

9
10 Dated: January 16, 2008

/s/ Richard E. Grabowski
Richard E. Grabowski