

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-cv-20782-MARTINEZ/GOODMAN

DENNIS MONTGOMERY,

Plaintiff,

v.

JAMES RISEN et al.,

Defendants.

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DEFENDANTS' UNOPPOSED MOTION TO UNSEAL

Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company, improperly sued as HMH Holdings, Inc., request that the Court enter an order directing the clerk to unseal two sealed items identified at ECF No. 118. In support of this request, Defendants state as follows:

1. On September 2, 2015, Defendants conventionally filed an Unopposed Motion to Seal. ECF No. 117. The Unopposed Motion to Seal requested that the clerk file under seal two items: (1) an exhibit to Defendants' Redacted Notice of Supplemental Authority Concerning Defendants' Motion to Dismiss (the "Redacted Notice"), ECF No. 119, and (2) the Unredacted Notice, which cited and quoted from the exhibit. The exhibit consists of excerpts of Plaintiff Dennis Montgomery's August 20, 2015, deposition transcript, the entirety of which Plaintiff's counsel had designated as confidential as permitted by the Protective Order Concerning Confidential Information (the "Protective Order"). ECF No. 89.

2. On September 9, 2015, Defendants' counsel informed Plaintiff's counsel that Defendants were planning to file a motion to unseal the exhibit and the Unredacted Notice, and

asked Plaintiff's counsel whether Plaintiff opposed the relief sought. Plaintiff's counsel, through his assistant, informed Defendants' counsel that Plaintiff did not oppose the relief sought.

For these reasons, Defendants request that the Court enter an order directing the clerk to unseal (1) the exhibit to the Redacted Notice and (2) the Unredacted Notice.

Dated: September 21, 2015

Respectfully submitted,

s/Brian W. Toth
Sanford L. Bohrer
Florida Bar No. 160643
sbohrer@hklaw.com
Brian W. Toth
Florida Bar No. 57708
brian.toth@hklaw.com
HOLLAND & KNIGHT LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131
Telephone: (305) 374-8500
Fax: (305) 789-7799

– and –

Laura R. Handman (admitted *pro hac vice*)
laurahandman@dwt.com
Micah J. Ratner (admitted *pro hac vice*)
micahratner@dwt.com
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Ave., NW, Suite 800
Washington, D.C. 20006
Tel.: (202) 973-4200
Fax: (202) 973-4499

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on September 21, 2015, I filed this document with the Clerk of Court using CM/ECF, which will serve this document on all counsel of record.

s/Brian W. Toth