

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ARTHUR L. BRASHER, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 11-CV-0991
)	
vs.)	Honorable James B. Zagel
)	
BROADWIND ENERGY, INC., <i>at al.</i> ,)	
)	
Defendants.)	
)	
_____)	

MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiffs respectfully move, pursuant to Local Rule 26.2 and Paragraph 12 of the Protective Order (Dkt #97), for leave to file under seal certain documents produced by Clipper Windpower, LLC (“Clipper”) and General Electric (“GE”), non-parties to this action, as well as references to such documents in a supporting Declaration, as follows:

1. In response to the motion filed by defendants Broadwind Energy, Inc. (“Broadwind”) and J. Cameron Drecoll (“Defendants”) for a protective order limiting the scope of discovery and precluding depositions of Clipper and GE (Dkt #105), Plaintiffs intend to rely upon and reference certain internal documents that Clipper and GE produced in third-party discovery concerning their business relationships with Broadwind.

2. These documents, which Clipper and GE have designated as “Confidential” under the Protective Order, are annexed as Exhibits B-F to, and discussed in, the Declaration of William B. Federman, dated November 12, 2012, submitted in opposition to Defendants’ motion for a protective order, and are as follows:

Exhibit B – GE_BW0008889

Exhibit C – CLIPP006777

Exhibit D – GE_BW0001505-06

Exhibit E – CLIPP005671

Exhibit F – CLIPP005860-62

3. By designating these documents as “Confidential,” Clipper and GE have attested to having a good faith belief that the documents contain “legally protectable information, confidential trade secrets, non-public research, development, or commercial information in accordance with Rule 26(c) of the Federal Rules of Civil Procedure.” *See* Protective Order, ¶2.

4. However, Plaintiffs submit the Exhibits described herein, and request to seal portions of the Federman Declaration that discuss those Exhibits, for the limited purpose of responding to Defendants' motion for a protective order, and, by doing so, do not waive or intend to waive any right to challenge the confidentiality designations at a later date.

5. Paragraph 12 of the Protective Order provides, in pertinent part, as follows: "Any party seeking to file Confidential Discovery Material with the Court must first move the Court for leave to file the material under seal, or allow the Producing Party to seek such approval, before so filing."

6. Accordingly, Plaintiffs respectfully request leave to file these documents, and any reference to such documents in the Federman Declaration, under seal, and, in connection with this motion, have served a copy of Exhibits B-F upon Defendants and have taken steps to promptly deliver a chambers copy to Your Honor.

DATED: November 12, 2012

Respectfully submitted,

/s/ William B. Federman

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CERTIFICATE OF SERVICE

I, William B. Federman, one of Plaintiffs' attorneys, hereby certify that on November 12, 2012, service of the foregoing Motion for Leave to File Under Seal was accomplished pursuant to ECF as to Filing Users and in compliance with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

/s/ William B. Federman

William B. Federman