

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. <u>3:13-cv-50286</u>
)	
v.)	
)	
JOHN DOE subscriber assigned IP address)	
98.227.36.117,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE ITS RESPONSE TO THE COURT’S
SHOW CAUSE ORDER UNDER SEAL**

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order to file portions of its Response to the Court’s Show Cause Order (“Response”) under seal and states:

1. On September 13, 2013, this Court entered an order requiring Plaintiff to Show Cause why attaching Exhibit C to the Complaint does not violate Rule 11(b) [CM/ECF 2].
2. On September 23, 2013, Plaintiff filed a motion to seal Exhibit C of the complaint [CM/ECF 6], and it was subsequently entered by the Court on September 25, 2013 and continued to October 29, 2013. [CM/ECF 8].
3. Pursuant to Local Rule 26.2 of the Northern District of Illinois, Plaintiff is filing this motion simultaneously with its Response.
4. Plaintiff’s response to the Court’s Show Cause Order contains information pertaining to Plaintiff’s confidential attorney work product, settlement communications, and settlement agreements.
5. While Plaintiff welcomes the opportunity to explain to the Court its purpose for attaching Exhibit C to its Complaint, several examples of its recent use discuss mental impressions

and strategy Plaintiff's counsel is currently using or will use to litigate its case. "At its core, the work-product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case." *United States v. Nobles*, 422 U.S. 225, 238, 95 S. Ct. 2160, 2170 (1975). "The work product privilege developed to protect the work of an attorney from encroachment by opposing counsel." *Allendale Mut. Ins. Co. v. Bull Data Sys., Inc.*, 145 F.R.D. 84, 86 (N.D. Ill. 1992).

6. Other cases involve settlement negotiations or cases that have recently settled where counsel has agreed to confidentiality agreements. "Because confidentiality of settlement agreements is a primary inducement to parties to settle cases, courts require a strong countervailing interest to breach that confidentiality." *Centillion Data Sys., Inc. v. Ameritech Corp.*, 193 F.R.D. 550, 553 (S.D. Ind. 1999).

7. Plaintiff's examples are specific and each defendant will easily recognize his or her case.

8. Further, Plaintiff's Response discusses the Exhibit C and for the Court's reference, refers to the case which it is from. In order to conform to the Court's Show Cause Order, it is necessary to file this information under seal as well.

9. Good cause exists to grant this motion.

WHEREFORE, Plaintiff respectfully requests that the Court permit Plaintiff to file portions of its Response under seal. A proposed order is attached for the Court's convenience.

Dated: October 4, 2013

Respectfully submitted,

SCHULZ LAW, P.C.

By: /s/ Mary K. Schulz
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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Mary K. Schulz

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**ORDER ON PLAINTIFF’S MOTION FOR LEAVE TO FILE ITS RESPONSE TO THE
COURT’S SHOW CAUSE ORDER UNDER SEAL**

THIS CAUSE having come before the Court upon Plaintiff’s Motion for Leave to File its Response to the Court’s Show Cause Order Under Seal (the “Motion”), and the Court being duly advised in the premises does hereby:

ORDER AND ADJUDGE: Plaintiff’s Motion is granted. Plaintiff may file an unredacted version of its response under seal.

DONE AND ORDERED this ___ day of _____, 2013.

By _____

UNITED STATES DISTRICT JUDGE