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8 Attorney for Plaintiff  
 9 IO GROUP, INC.

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN JOSE DIVISION**

	)	
	)	<b>CASE NO. C-06-3926 (HRL)</b>
IO GROUP, INC., a California corporation,	)	
	)	<b>MOTION FOR ADMINISTRATIVE</b>
Plaintiff,	)	<b>RELIEF IN THE FORM OF AN ORDER</b>
	)	<b>TO FILE DOCUMENTS UNDER SEAL</b>
vs.	)	
	)	
VEOH NETWORKS, Inc, a California	)	
Corporation,	)	
	)	
Defendant.	)	
	)	
	)	

21 Pursuant to Local Civil Rules 79-5, 7-11 and 7-12, Plaintiff Io Group, Inc. submits this  
 22 motion to have selected evidence containing sexually explicit material filed under seal. Supporting  
 23 this stipulation is the declaration of Keith Ruoff, Vice-President, Plaintiff, Io Group, Inc.

24 Local Civil Rule 79-5 specifically permits this Court to seal documents. *See e.g., Stanford*  
 25 *v. SSA*, 437 F. Supp. 2d 1113, 1124 (N.D. Cal. 2006)(granting motion pursuant to file documents  
 26 under seal). The rule reflects that the right to inspect and copy judicial records is not absolute. *See*  
 27 *Hagestad v. Tragesser*, 49 F. 3d 1430, 1433-34 (9<sup>th</sup> Cir. 1995)(citing *Nixon v. Warner*  
 28 *Communications, Inc.* 435 U.S. 589, 597 (1978)). “Every court has supervisory power over its  
 own records and files, and access has been denied where court files might have become a vehicle

1 for improper purposes.” *Id.* Federal Rules of Civil Procedure 26(c) provides, that for good cause  
2 shown, a court “may make any order which justice requires to protect a party or person from  
3 annoyance, embarrassment, oppression, undue burden or expense.”

4 The Evidence Plaintiff seeks to file under seal consists of video files previously available  
5 by and through [www.veoh.com](http://www.veoh.com) and corresponding works owned by Plaintiff. Specifically, the  
6 documents include material which Plaintiff produced to Defendant in discovery with Plaintiff’s  
7 bates range numbers, **200275-200282 and 200953-200956**. In accord with to Local Rule 79-5(b)  
8 Plaintiff has sent these documents to be lodged with the Court.

9 Each of the documents contains sexually explicit material. Ruoff Decl. at ¶3. Because  
10 individuals under 18 years of age and others who may not wish to be inadvertently exposed to  
11 sexually explicit material have access to court files; and because it would possibly be unlawful to  
12 make such material available in a forum that is open to minors (*See e.g.* Cal. Pen Code § 313.1), Io  
13 Group, Inc. requests that these documents be filed under seal.

14 Plaintiff sought the stipulation of Defendant, but Defendant refused, stating only that it  
15 does not believe the nature of the content is a proper reason to file the material under seal. Plaintiff  
16 disagrees. Sperlein Decl. at ¶ 2. Recognizing the broad power of the Court in this regard, Plaintiff  
17 believes the benefit for filing the documents under seal is evident, where as any disadvantage to  
18 sealing the documents is not so evident. Although Plaintiff gave Defendant opportunity to further  
19 explain its position that the sexually explicit material should be available to the general public  
20 including children, Defendant did not respond.

21 Should Defendant oppose this motion, Plaintiff requests to have an opportunity to address  
22 any arguments Defendant may raise.

23  
24  
25  
26  
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28  
Respectfully submitted,

Dated: August 20, 2007

/s/ Gill Sperlein  
Gill Sperlein (CA Bar Number 172887)  
THE LAW FIRM OF GILL SPERLEIN  
Attorneys for Plaintiff, Io Group, Inc.

**CERTIFICATE OF SERVICE**

I am a resident of the State of California, over the age of 18 years, and not a party to the action within. My business address is 69 Converse Street, San Francisco, California, 94103. On August 20, 2007 I served the within documents:

- **PLAINTIFF IO GROUP INC.’S MOTION FOR ADMINISTRATIVE RELIEF IN THE FORM OF AN ORDER TO FILE DOCUMENTS UNDER SEAL**
- **GILL SPERLEIN’S DECLARATION IN SUPPORT**
- **KEITH RUOFF’S DECLARATION IN SUPPORT**
- **[PROPOSED] ORDER**
- **PLAINTIFF’S DOCUMENTS 200275-200282 and 200953-200956 TO BE FILED UNDER SEAL**

by causing a true and correct copy of the above to be placed with Specialty Delivery Service for personal delivery in a sealed envelope with postage prepaid, addressed as follows:

JENIFER A. GOLINVEAUX  
WINSTON & STRAWN LLP  
101 CALIFORNIA STREET, SUITE 3900  
SAN FRANCISCO, CA 94111-5894

UNITED STATES DISTRICT COURT  
280 South First Street  
San Jose, CA 95113

Chambers Copy  
*Io Group, Inc. v. Veoh Networks, Inc.*,  
C-06-06-3926 (HRL)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 20, 2007.

*/s/ Eric Burford*

\_\_\_\_\_  
Eric Burford

I hereby attest that this is the declaration of Eric Burford and the original with Eric Burford’s holographic signature is on file for production for the Court if so ordered, or for inspection upon request by any party. Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: *August 20, 2007*

*/s/ Gill Sperlein*  
\_\_\_\_\_  
GILL SPERLEIN,  
Counsel for Plaintiff Io Group, Inc.