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 Defendant DAVID ALLEN

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA**

17 RIGHTHAVEN LLC, a Nevada limited liability company,
 18
 19 Plaintiff,
 20 v.
 21 DEMOCRATIC UNDERGROUND, LLC, a District of
 Columbia limited-liability company; and DAVID ALLEN,
 22 an individual,
 Defendants.

23 DEMOCRATIC UNDERGROUND, LLC, a District of
 24 Columbia limited-liability company,
 Counterclaimant,
 25 v.
 26 RIGHTHAVEN LLC, a Nevada limited liability company,
 27 and STEPHENS MEDIA LLC, a Nevada limited-liability
 company,
 28 Counterdefendants.

Case No. 2:10-cv-01356-RLH (GWF)

**MOTION TO FILE DOCUMENTS
 UNDER SEAL**

REQUEST TO SUBMIT DOCUMENTS UNDER SEAL

1
2 Counterclaimant Democratic Underground, LLC (“Democratic Underground”) hereby
3 respectfully requests that the Court permit it to submit, under seal, portions of Democratic
4 Underground’s Motion for Summary Judgment (“Consolidated Opposition”), and Exhibits 9 and
5 12-17 of the Supporting Declaration of Kurt Opsahl (“Opsahl Decl.”).

6 All of these Exhibits were designated as “Confidential Attorneys Eyes Only” or
7 “Confidential” by Stephens Media under the Stipulated Protective Order entered by the Court on
8 February 14, 2011. Documents and information that have been designated by a party as
9 “Confidential Attorneys’ Eyes Only” can only be submitted to the Court under seal. *See* Dkt. 65,
10 ¶ 12. While Democratic Underground does not maintain that Exhibits 9 and 12-17 are
11 appropriately designated under either the terms of the Stipulated Protective Order or applicable
12 law, and does not contend that the Exhibits should ultimately be maintained under seal,
13 Democratic Underground is required at this time to submit these Exhibits under seal. The same is
14 true for portions of Democratic Underground’s Consolidated Opposition which quote from and
15 summarize the contents of the Exhibits.

16 Accordingly, Democratic Underground respectfully requests that the Court allow it to
17 conditionally submit these documents under seal, until such time as Stephens Media provides a
18 basis for this Court to maintain them under seal.

19 Dated: October 24, 2011

FENWICK & WEST LLP

20
21 By: /s/ Jennifer J. Johnson
22 Jennifer J. Johnson

23 Attorneys for Defendant and Counterclaimant
24 DEMOCRATIC UNDERGROUND, LLC, and
25 Defendant DAVID ALLEN
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