

**IN THE UNITED STATES DISTRICT COURT
FOR THE NOTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:13-cv-06312
)	
JOHN DOE subscriber assigned IP address)	
24.14.81.195)	
)	
Defendant)	

MOTION TO FILE A DOCUMENT UNDER SEAL

NOW COMES "Neighbor-deponent AA", a recently-subpoenaed neighbor of Defendant, and respectfully requests this Honorable Court to grant it leave to file a motion for a protective order under seal. In support of this Motion, Neighbor-deponent AA states as follows:

1. Pursuant to Fed. R. Civ. P. Rule 26(c), there is good case to grant this motion in light of the facts and circumstances of the case.
2. The nature of the specific allegations of the complaint present a particular need for protecting anyone participating in the court proceedings from annoyance, embarrassment, opposition, or undue burden or expense due to the pornographic nature of the copyrighted material.
3. This Court has recognized the importance of protecting an individual's identity in connection with Malibu Media's BitTorrent lawsuits, granting Defendant's motion for a protective order to proceed anonymously [CM/ECF 17].
4. The need to protect Neighbor-deponent AA from the potential of harm to its career and reputation in its community outweighs the public's need for access to court proceedings. A court's decision to seal a record is governed by a balancing test that generally favors public availability. *See In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 476 (6th Cir. 1983) (holding that only the most compelling reasons justify

- nondisclosure of judicial records). To determine whether the parties have overcome the presumption of access, the Court balances the public's interest against the claimed interest in confidentiality. *Picard*, 951 F. Supp. at 691 (citing *Matter of Continental*, 732 F.2d 1302, 1313 (7th Cir. 1984)).
5. Here, no public interest exists in the identity of the neighbor, who has not been named in this lawsuit, but merely happens to live near a person who has been accused of downloading pornography. On information and belief, other neighbors of Defendant have been similarly subpoenaed for deposition.
 6. This subpoenaed neighbor, self-designated for purposes of this motion to avoid confusion with other neighbors being subpoenaed as Neighbor-deponent AA, has no relationship with the complaint or Defendant other than living in a home in the same neighborhood as Defendant happens to live in.
 7. Because of the nature of the pornographic copyrighted materials of the complaint and of widespread interest on the Internet in this particular lawsuit with its hotly contested docket, Neighbor-deponent AA (along with other similarly subpoenaed neighbors in this case) is in need of a protective order to prevent its name, address, or other identifying information from being part of the public docket entry, or otherwise being revealed by any party or attorney involved in this case. Without such a protective order, undue harm may come to Neighbor-deponent AA.
 8. The information being requested to be kept from the public specifically includes, but is not limited to, the neighbor's name, address, and information relating to the neighbor's employment.
 9. Neighbor-deponent AA therefore respectfully requests leave to file its Motion for a Protective Order under seal.

WHEREFORE, Neighbor-deponent AA, respectfully requests this Court grant this Motion and enter an Order allowing it leave to file a motion for a protective order under seal.

Respectfully submitted,

By: /s/ Jeffrey Antonelli
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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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