

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>KISLING, NESTICO & REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2016-CV-09-3928</p> <p>Judge James A. Brogan</p> <p>Plaintiffs' Motion for Leave to File under Seal the Deposition Transcript of Kelly Phillips</p>
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Plaintiffs hereby seek leave to file under seal the deposition transcript of Kelly Phillips, because the KNR Defendants have again designated the entire deposition transcript as “confidential” under the protective order. Under the September 12, 2017 protective order, Plaintiffs must seek leave to file Mr. Phillips’ deposition transcript under seal until the KNR Defendants provide Plaintiffs’ counsel with more specific confidentiality designations. *See* protective order, Section 8.d, p. 9 (requiring that “a party seeking to file a brief, pleading or exhibit under seal shall first file a motion for leave to file under seal prior to filing such brief, pleading, or exhibit.” *See also Id.*, Section 8.c, p.8 (“To the extent that it is necessary for a party to discuss the contents of any confidential information ... in a written pleading, then such portion of the pleading may be filed under seal with leave of Court.”) (emphasis added).

Though the protective order “highly discourages the manual filing of any pleadings or documents under seal” (protective order, Section 8, p. 7, emphasis in original), Plaintiffs here have no choice, because as discussed above, the KNR Defendants have insisted that the entire deposition transcript of Kelly Phillips is “confidential” under the order. *Id.* at Section 8, p. 7-8. (“[T]o the extent that a brief, memorandum, or pleading references any document marked as [confidential], then the brief, memorandum, or pleading shall refer to the Court to the particular exhibit filed under seal

without disclosing the contents of any confidential information.”). Once the KNR Defendants issue specific confidentiality designations regarding Mr. Phillips’ deposition testimony, Plaintiffs will promptly file a copy of the transcript reflecting those specific portions of the transcript the KNR Defendants believe are “confidential,” in accordance with the protective order.

III. Conclusion

Because the Defendants have insisted that the entire deposition transcript of Kelly Phillips is “confidential” under the protective order, good cause exists to grant Plaintiffs leave to file under seal the deposition transcript of Kelly Phillips.

Respectfully submitted,

/s/ Rachel Hazelet

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Certificate of Service

The foregoing document was filed on March 13, 2019, using the Court's electronic-filing system, which will serve copies on all necessary parties.

/s/ Rachel Hazlet
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