

The Honorable Robert S. Lasnik

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation, and BIG FISH GAMES,
INC., a Washington corporation.

Defendants.

No. 15-cv-00612-RSL

**CLASS REPRESENTATIVE SUZIE
KELLY’S UNOPPOSED MOTION TO
SEAL**

MANASA THIMMEGOWDA, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

BIG FISH GAMES, INC., a Washington
corporation; ARISTOCRAT TECHNOLOGIES
INC., a Nevada corporation; ARISTOCRAT
LEISURE LIMITED, an Australian corporation;
and CHURCHILL DOWNS INCORPORATED,
a Kentucky corporation,

Defendants.

No. 19-cv-00199-RSL

**CLASS REPRESENTATIVE SUZIE
KELLY’S UNOPPOSED MOTION TO
SEAL**

1 Pursuant to Civil Local Rule 5(g), Class Representative Suzie Kelly respectfully moves
2 for leave to file under seal an unredacted version of the Declaration of Suzie Kelly in Support of
3 Request for Class Representative Incentive Award (the “Kelly Declaration”), which is filed in
4 support of Class Counsel’s Motion for Award of Attorneys’ Fees and Expenses and Issuance of
5 Incentive Awards.¹ Specifically, Ms. Kelly requests leave to file under seal Paragraphs 7-22 of
6 the Kelly Declaration.²

7 While there exists a “strong presumption of access to judicial records,” the presumption
8 is overcome by a showing of “good cause” to seal documents attached to non-dispositive
9 material. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-1180 (9th Cir. 2006). This
10 “good cause” standard is notably less stringent than the “compelling reasons” threshold that must
11 be satisfied for dispositive motions—and for good reason: records attached to non-dispositive
12 materials routinely “[have] little public value beyond [the] presumption” of access. *Hill v. Xerox*
13 *Corp.*, No. 12-cv-0717-JCC, 2014 WL 1356212, at *1 (W.D. Wash. Apr. 7, 2014); *see also*
14 *Hanson v. Wells Fargo Home Mortg., Inc.*, No. 13-cv-0939-JLR, 2013 WL 5674997, at *2
15 (W.D. Wash. Oct. 17, 2013) (same).

16 Paragraphs 7-22 of the Kelly Declaration reveal substantial sensitive and personal
17 information pertaining to Ms. Kelly’s experiences during this litigation. Kelly’s request for an
18 incentive award is not a dispositive motion, and because of the nature of the information
19 contained in these portions, there is good cause to permit her to file these portions under seal.
20 *See, e.g., Wagafe v. Trump*, No. 17-cv-94 RAJ, 2019 WL 4673334, at *2 (W.D. Wash. May 28,
21 2019) (good cause exists where the document includes “sensitive personal information”); *United*
22 *States v. Mahoney*, No. 18-cr-0090-JCC, 2019 WL 1040402, at *4 (W.D. Wash. Mar. 5, 2019)

23
24 ¹ Consistent with LCR 5(g)(1), Plaintiff has conferred with Defendants in an attempt to minimize the amount
of material filed under seal, and Defendants do not oppose Plaintiffs’ motion to seal.

25 ² In accordance with LCR 5(g), Ms. Kelly has publicly filed a partially-redacted version of the Kelly
Declaration and has attached the unredacted Kelly Declaration hereto.

1 (same); *Miller v. Boys & Girls Clubs of Snohomish Cty.*, No. 15-cv-2027-JCC, 2017 WL
2 897811, at *10 (W.D. Wash. Mar. 7, 2017) (same). If these portions were made public, Ms.
3 Kelly would suffer substantial fear, anxiety, and embarrassment. Filing a limited portion of Ms.
4 Kelly's declaration under seal is the least restrictive way to avoid this harm.

5 For the foregoing reasons, Class Representative Kelly requests leave to file under seal an
6 unredacted version of the attached Declaration of Suzie Kelly. Pursuant to LCR 5(g)(6), should
7 the Court deny this motion, Ms. Kelly requests that the Court please allow her to withdraw the
8 Kelly Declaration, rather than unseal it.

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10 Respectfully submitted,

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12 December 14, 2020

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[PROPOSED] ORDER

IT IS SO ORDERED.

DATED this ____ day of _____, 2020

ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE