

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

**CASE NO. 22-CV-22538-ALTMAN/REID**

PIERCE ROBERTSON, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

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**DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL**  
**THE UNREDACTED VERSIONS OF THEIR MOTION TO TRANSFER**  
**VENUE AND TWO DECLARATIONS IN SUPPORT THEREOF BECAUSE**  
**THEY CONTAIN REFERENCES TO CONFIDENTIAL INFORMATION**

Defendants MARK CUBAN and DALLAS BASKETBALL LIMITED d/b/a DALLAS MAVERICKS, by and through undersigned counsel and pursuant to Southern District of Florida Local Rule 5.4(b)(1), file this Motion for Leave to File Under Seal the Unredacted Versions of Their Motion to Transfer Venue *and* Two Declarations in Support Thereof Because they Contain References to Confidential Information (hereinafter "Motion to Seal"). As grounds therefor, Defendants state as follows:

1. Contemporaneously herewith, Defendants will be filing a Motion to Transfer Venue to the Northern District of Texas and Memorandum of Law in Support Thereof (the "Motion to Transfer"). The Motion to Transfer and the Declarations of Sigmund Wissner-Gross, Esq., and Ryan Mackey, also filed contemporaneously in support of that Motion via notices of filing, contain references to information that has been designated by either side as Confidential

under the Stipulated Protective Order entered by Magistrate Judge Reid on December 21, 2022. [ECF No. 65].<sup>1</sup>

2. The Motion to Transfer and Declarations have consequently, for filing purposes, redacted the information the parties' designated as Confidential and that is covered by the Stipulated Protective Order. *See* S.D. Fla. L.R. 5.4(b)(1); S.D. Fla. CM/ECF Rule 9B.

3. The at-issue protected as Confidential information consists of certain testimony taken at the depositions of two named Plaintiffs (Rachel Gold and Pierce Robertson), other account information regarding the Plaintiffs designated as Confidential, and certain Confidential information regarding the Mavericks. For example, the Declaration of Sigmund Wissner-Gross attaches Confidential documents produced by Voyager Digital Ltd. containing the Plaintiffs' Voyager account information, their addresses, and the last four digits of their social security numbers. Mr. Wissner-Gross's Declaration also attaches as an exhibit excerpts from an agreement between Voyager Digital Ltd. and Dallas Basketball Limited, which was designated as Confidential because the agreement contains a confidentiality clause prohibiting the agreement's public distribution.

4. While the redactions are fairly limited and most of the Motion to Transfer and Declarations will not be redacted, Defendants seek permission to file unredacted versions of the Motion to Transfer and the two attached Declarations under seal so that this Court is fully

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<sup>1</sup> Various documents, or portions thereof, produced to date have been designated as Confidential.

informed and has before it all relevant Confidential information prior to ruling on Defendants' Motion to Transfer.<sup>2</sup>

5. The proposed duration of the requested sealing is for/until the later of (i) the parties consenting to unsealing of the information designated as Confidential, (ii) an unsealing of any of the information designated as Confidential pursuant to the terms of the Stipulated Protective Order.

6. Local Rule 5.4(b)(1) states that a party who wants to file documents and information under seal must file and serve electronically a motion seeking permission to file under seal. Such a motion must set forth the factual and legal basis for the requested sealing and describe with as much particularity as possible the documents and information to be sealed. *See* S.D. Fla. L.R. 5.4(b)(1).<sup>3</sup>

7. Where, as here, a party files a motion and other legal documents that need to include references to protected confidential information and those filings are the subject of a Local Rule 5.4(b)(1) motion to file under seal, all of the content sought to be filed under seal must be redacted until the Court has an opportunity to rule on the motion to seal. *See* S.D. Fla. L.R. 5.4(b)(1); S.D. Fla. CM/ECF Rule 9B.

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<sup>2</sup> Pursuant to Paragraphs 6(e) and 7(d) of the Stipulated Protective Order, the "Court and any Court staff and administrative personnel" may view material designated as Confidential and Highly Confidential. [ECF No. 65: pp. 7-9].

<sup>3</sup> However, a motion to file under seal cannot attach or reveal the specific "content of the proposed sealed material." *Id.* Additionally, the material to be sealed "shall not be filed unless the Court grants the motion to file under seal." *Id.*; *see* S.D. Fla. CM/ECF Rule 9A ("The proposed sealed material shall not be filed unless the Court grants the motion to file under seal.").

8. Defendants' instant Motion to Seal, the redacted Motion to Transfer and its supporting redacted Declarations are all in full compliance with Local Rule 5.4(b)(1) and CM/ECF Rule 9B.

WHEREFORE, Defendants MARK CUBAN and DALLAS BASKETBALL LIMITED d/b/a DALLAS MAVERICKS respectfully request that the Court *grant* this Motion for Leave to File Under Seal and *permit* Defendants to file under seal the unredacted versions of their Motion to Transfer Venue *and* the two Declarations filed in support thereof.

**CERTIFICATE OF GOOD-FAITH CONFERENCE**

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movants/Defendants have today conferred via ZOOM videoconference with Plaintiffs' counsel in a good faith effort to resolve the issues raised in this Motion for Leave to File Under Seal but have been unable to resolve those issues.

Respectfully submitted,

/s/ Christopher E. Knight  
CHRISTOPHER E. KNIGHT, ESQ.  
Fla. Bar No. 607363  
Email: cknight@fowler-white.com

ESTHER E. GALICIA, ESQ.  
Fla. Bar No. 510459  
Email: egalicia@fowler-white.com

ALEXANDRA L. TIFFORD, ESQ.  
Fla. Bar No. 0178624  
Email: atifford@fowler-white.com

FOWLER WHITE BURNETT, P.A.  
Brickell Arch, Fourteenth Floor  
1395 Brickell Avenue  
Miami, Florida 33131  
Telephone: (305) 789-9200  
Facsimile: (305) 789-9201

*-and-*

PAUL C. HUCK, JR., ESQ.  
Fla. Bar No. 0968358  
Email: paul@thehucklawfirm.com

THE HUCK LAW FIRM  
334 Minorca Avenue  
Coral Gables, Florida 33134  
Telephone: (305) 441-2299  
Telecopier: (305) 441-8849

*-and-*

STEPHEN A. BEST, ESQ.  
*Pro Hac Vice*  
Email: sbest@brownrudnick.com

RACHEL O. WOLKINSON, ESQ.  
*Pro Hac Vice*  
Email: rwolkinson@brownrudnick.com

BROWN RUDNICK LLP  
601 Thirteenth Street NW Suite 600  
Washington, DC 20005  
Telephone: (202) 536-1755

*-and-*

SIGMUND WISSNER-GROSS, ESQ.  
*Pro Hac Vice*  
Email: swissner-gross@brownrudnick.com

JESSICA N. MEYERS, ESQ.  
*Pro Hac Vice*  
Email: jmeyers@brownrudnick.com

BROWN RUDNICK LLP  
Seven Times Square  
New York, NY 11036  
Telephone: (212) 209-4930

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 31, 2023, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I ALSO CERTIFY that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

*/s/ Christopher E. Knight*  
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CHRISTOPHER E. KNIGHT, ESQ.  
Fla. Bar No. 607363  
Email: cknight@fowler-white.com

**SERVICE LIST**

Adam M. Moskowitz, Esq.  
Joseph M. Kaye, Esq.  
Barbara C. Lewis, Esq.  
Howard M. Bushman, Esq.  
The Moskowitz Law Firm, PLLC  
2 Alhambra Plaza, Suite 601  
Coral Gables, Florida 33134  
E-mail: adam@moskowitz-law.com  
Email: joseph@moskowitz-law.com  
Email: barbara@moskowitz-law.com  
Email: howard@moskowitz-law.com

*Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**

David Boies, Esq.  
*Pro Hac Vice*  
Boies Schiller Flexner LLP  
333 Main Street  
Armonk, NY 10504  
Email: dboies@bsflp.com

*Co-Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**

Stephen Neal Zack, Esq.  
szack@bsflp.com  
Hon. Ursula Ungaro (Retired), Esq.  
uungaro@bsflp.com  
Boies Schiller Flexner LLP  
100 S.E. 2nd St., Suite 2800  
Miami, FL 33131

*Co-Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**