

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

BF LABS, INC., *et al.*

Defendants.

CASE NO. 4:14-cv-00815-BCW

**PLAINTIFF'S MOTION TO LIFT RESTRICTIONS ON EX PARTE DOCUMENTS**

Plaintiff, the Federal Trade Commission (“FTC”) hereby respectfully requests that the Court direct the Clerk of Court to lift the restrictions on certain documents that were filed *ex parte* by the FTC at the commencement of this action so that the documents are available to and accessible by the public. In support thereof, the FTC states as follows:

1. On September 17, 2014, this Court entered an order (“Seal Order”) temporarily sealing the case file and the initial pleadings that were filed *ex parte* by the FTC. (Dkt. No. 3.) The documents covered by the Seal Order are Docket Entry Numbers 1, 2, 3, 4, 5, 6, 7, 8, and 9, and include the Complaint, Motion for Temporary Restraining Order, Suggestions in Support of TRO, Exhibits in Support of TRO, Receiver recommendation, and related pleadings and orders.
2. The Seal Order provides that “the entire case file and docket in this matter, including all pleadings, exhibits, and all orders of the Court shall remain under seal until all Defendants have been served, or until 5:00 p.m. on September 22, 2014, whichever occurs first.” (Dkt. No. 3 at 1.) The Seal Order further provides that “the seal entered by

this order shall dissolve at 5:00 p.m. on September 22, 2014. At that time, the Clerk of the Court shall automatically lift the seal without motion by the FTC or further order by the Court.” (*Id.* at 2.)

3. Although the seal was lifted on September 22, the FTC’s *ex parte* initial pleadings remain restricted from public availability and access.
4. Each Defendant has been served with the Complaint, the Temporary Restraining Order, and all of the other initial pleadings. (*See* Dkt. Nos. 124, 125, 126, and 128.) Thus, the purpose of the temporary case file seal and *ex parte* designation has been fulfilled. The restrictions on the docket with respect to the initial pleadings are no longer necessary.

Wherefore, the FTC respectfully requests that the Court direct the Clerk of Court to lift the restrictions on Docket Entry numbers 1, 2, 3, 4, 5, 6, 7, 8, and 9, including those designated by the FTC as *ex parte*, so that those pleadings are available to and accessible by the public.<sup>1</sup> A proposed order is filed herewith.

Respectfully submitted,

JONATHAN E. NUECHERLEIN  
General Counsel

Dated: November 5, 2014

/s/ Gregory A. Ashe  
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<sup>1</sup> The FTC’s request is limited to the initial pleadings. The proposed order would have no effect on any pleading filed in this action under seal by the FTC, Defendants, or the Receiver after September 22, 2014.

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Dated: November 5, 2014

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 5, 2014, a true and correct copy of the foregoing was filed electronically with the United States District Court for the Western District of Missouri using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

/s/ Gregory A. Ashe  
Attorney for Plaintiff Federal Trade Commission