

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

THOMAS SAXTON, IDA SAXTON,)	
BRADLEY PAYNTER,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:15-cv-00047
FEDERAL HOUSING FINANCE AGENCY,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**UNOPPOSED MOTION FOR LEAVE TO FILE
CERTAIN DOCUMENTS UNDER SEAL**

Pursuant to Local Rule 5(c), defendants move for leave to file their oppositions to plaintiffs’ motion to file an amended complaint under seal. On December 3, 2015, the Court granted plaintiffs’ unopposed motion to file under seal two exhibits to their motion for leave to file an amended complaint: Exhibit A, their brief in support of their motion to amend the complaint, and Exhibit B, their amended complaint. Order Granting Motion for Leave to File Certain Documents Under Seal, ECF No. 50. Plaintiffs’ sought leave to file Exhibits A and B under seal because of the terms of a protective order concerning discovery materials in a case pending in the Court of Federal Claims, *Fairholme Funds v. United States*, Case No. 13-465. That protective order requires that court pleadings discussing discovery materials produced in that case be filed under seal. See Second Amended Protective Order, *Fairholme Funds v. United States*, Case No. 13-465, Nov. 9, 2015, ECF No. 256. Defendants’ memoranda in opposition to the motion for leave to amend discuss the content of the under-seal Exhibits A and

B, and accordingly defendants request leave to file those memoranda under seal. For this reason, and the reasons set forth in the attached memorandum, the Court should grant defendants' motion for leave to file certain documents under seal. Pursuant to Local Rule 7(l), on December 18, 2015, counsel for defendants conferred with counsel for plaintiffs, who responded that they do not oppose the relief requested in this motion.

Dated: December 18, 2015

Respectfully submitted,

/s/Matthew C. McDermott (by permission)

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Certificate of Service

I hereby certify that on December 18, 2015, I electronically filed the foregoing with the Clerk of the Court using the ECF system. To my knowledge, a copy of this document will be served on the parties or attorneys of record through the ECF system.

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**MEMORANDUM IN SUPPORT OF DEFENDANTS’ UNOPPOSED MOTION FOR
LEAVE TO FILE CERTAIN DOCUMENTS UNDER SEAL**

In support of their unopposed motion for leave to file certain documents under seal, defendants hereby state as follows:

1. Plaintiffs filed their complaint on May 28, 2015. *See* Complaint for Declaratory and Injunctive Relief, ECF No. 1. Both defendants have moved to dismiss for lack of subject matter jurisdiction and for failure to state a claim, and pursuant to a schedule entered by the Court, briefing on the defendants’ motions to dismiss was completed on November 23, 2015. *See* Order Modifying Briefing Schedule, ECF No. 12. After briefing was completed, on December 3, 2015, plaintiffs sought leave to amend their complaint based on their review of discovery materials in a takings lawsuit brought pursuant to the Tucker Act in the Court of Federal Claims. *See* Motion to Amend/Correct Complaint, ECF No. 51. The discovery materials from the Court of Federal Claims case, *Fairholme Funds v. United States*, Case No. 13-465 (Fed. Cl.), are subject to a protective order requiring that court filings discussing the

content of that material be filed under seal. *See* Second Amended Protective Order, *Fairholme Funds v. United States*, Case No. 13-465, Nov. 9, 2015, ECF No. 256.

2. On December 3, 2015, the Court granted plaintiffs' unopposed motion for leave to file certain documents under seal. Order Granting Leave to File Certain Documents Under Seal, ECF No. 50. That same day, plaintiffs filed under seal two exhibits to their motion to amend their complaint: Exhibit A, the memorandum in support of their motion to amend the complaint, and Exhibit B, their amended complaint. The public docket does not contain redacted versions of those exhibits, which remain under seal in their entirety.

3. Pursuant to Local Rule 7(e) and Federal Rule of Civil Procedure 6, defendants' memoranda in opposition to plaintiffs' motion to file an amended complaint are due on December 21, 2015. Defendants' memoranda in opposition to the motion to amend discuss the contents of the under-seal Exhibits A and B to plaintiffs' motion for leave to file an amended complaint. Accordingly, defendants respectfully request leave to file those memoranda under seal.

4. Pursuant to Local Rule 7(l), on December 18, 2015, counsel for defendants conferred with counsel for plaintiffs, who responded that they do not oppose the relief requested in this motion.

For the foregoing reasons, the Court should grant defendants' motion for leave to file certain documents under seal.

Dated: December 18, 2015

Respectfully submitted,

/s/Matthew C. McDermott (by permission)

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