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13

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 In re TAHOE RESOURCES, INC. SECURITIES
17 LITIGATION

Case No. 2:17-cv-01868-RFB-NJK

**MOTION TO SEAL EXHIBIT A TO
THE DECLARATION OF
ALEXANDRA GADZO, ESQ. AND
FOR APPROVAL OF LIMITED
REDACTIONS**

21 This Document Relates to: All Actions
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1 Pursuant to Local Rule IA 10-5 and Fed. R. Civ. P. 26(c), Lead Plaintiff Tiffany Huynh, as
2 executor for the estate of Kevin Nguyen (“U.S. Plaintiff”), by and through her undersigned counsel,
3 respectfully moves this Court for an order allowing Exhibit A to the Declaration of Alexandra Gadzo,
4 Esq., which contains invoices applicable to the reimbursement of expenses sought in this action, with
5 limited redactions.

6 This motion is based on the accompanying Memorandum of Points and Authorities set forth
7 below, and any other evidence and argument that may be presented prior to the Court’s decision on this
8 motion.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 Pursuant to this Court’s U.S. Order Preliminarily Approving U.S. Settlement and Providing for
11 Notice (“U.S. Preliminary Approval Order” or “U.S. PA Order”) (ECF No. 252), Faruqi & Faruqi, LLP
12 (the “Faruqi Firm” or “U.S. Plaintiff’s Counsel”) is required to file an application for attorneys’ fees
13 and expenses no later than December 14, 2023. ECF No. 252 at ¶ 23.

14 Accordingly, the Faruqi Firm is filing the U.S. Plaintiff’s Counsel’s Motion for an Award of
15 Attorneys’ Fees, Reimbursement of Expenses, and an Award to U.S. Plaintiff (“Fee Motion”) today.
16 As explained in the Wilson Declaration, filed herewith, the Faruqi Firm engaged Gadzo Law P.C. (the
17 “Gadzo Firm”) for services related to obtaining Ms. Huynh’s formal appointment as executor of her
18 husband, Mr. Nguyen’s estate so that she could be substituted as U.S. Lead Plaintiff with all parties’
19 consent. Wilson Decl.¹ ¶ 99. Accordingly, the principal of the Gadzo Firm, Alexandra Gadzo,
20 submitted a declaration filed with the Fee Motion explaining the services her firm provided and
21 attaching as Exhibit A invoices for her firm’s time and expenses related to this matter. *See* Gadzo
22 Decl., Ex. A.

23 When considering a sealing request, “the starting point” is “a strong presumption in favor of
24 access[.]” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). While
25 parties seeking to seal judicial records related to motions that are “more than tangentially related to the

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27 ¹ “Wilson Declaration” or “Wilson Decl.” refers to the Declaration of James M. Wilson, Jr., filed
28 herewith.

1 underlying cause of action” must show “compelling reasons” justifying sealing, the Ninth Circuit
2 applies a “good cause” standard to requests to seal documents supporting a non-dispositive motion, like
3 the Fee Motion at issue here. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1097-99 (9th Cir.
4 2016) (stating that documents attached to motions that are “not related, or only tangentially related, to
5 the merits of a case” are not subject to the strong presumption of access); *Arnold v. Standard Pac. of*
6 *Ariz. Inc.*, 2016 WL 7046462, at *6 (D. Ariz. Dec. 5, 2016) (fee motion is non-dispositive).

7 There is good cause to grant U.S. Plaintiff’s Counsel’s request to file Exhibit A under seal with
8 redactions. Specifically, U.S. Plaintiff’s Counsel seeks to redact the content of conversations between
9 the Gadzo Firm and Ms. Huynh and the specifics of the type of research the Gadzo Firm undertook that
10 would reveal counsel’s mental impressions and strategy. *See Adtrader, Inc. v. Google LLC*, 2020 WL
11 6389186, at *1 (N.D. Cal. Feb. 24, 2020) (“Under Ninth Circuit authority, attorney-client privilege
12 embraces attorney time, records and statements to the extent that they reveal litigation strategy and the
13 nature of the services provided.”). Courts have found it proper to seal task-based itemized statements of
14 fees in similar circumstances. *See Meidicis Pharm. Corp. v. Acella Pharms., LLC*, 2012 WL 2260928,
15 at *2 (D. Ariz. June 15, 2012) (finding good cause to seal “an itemized summary of [party’s] attorney
16 fees and expenses”).

17 Lead Counsel also seeks to redact sensitive information such as home addresses, which are
18 required to be redacted under this District’s Local Rules, LR IC 6-1, and certain invoice and transaction
19 identification numbers to reduce the likelihood of exposure to financial fraud or identity theft. *See*
20 *Minshew v. Donley*, 2013 WL 12410940, at *1 (D. Nev. Mar. 19, 2013) (finding concerns about identity
21 theft relevant to the decision to seal certain information); *Azenta, Inc. v. Andrews*, 2023 WL 6812049, at
22 *1 (S.D. Cal. Oct. 13, 2023) (finding good cause to seal invoice numbers). Additionally, Lead Counsel
23 seeks to redact the identities of third-parties involved with Mr. Nguyen’s estate, which have nothing to
24 do with the propriety of the Fee Motion or the substantive issues in this case. There is good cause to
25 redact this information because its disclosure would needlessly invade the privacy of and annoy the
26 non-parties to this action. *See Fed. R. Civ. P. 26(c)(1)* (courts may issue a protective order to protect
27 from “annoyance, embarrassment, oppression, or undue burden or expense”). Courts have found such
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1 interests to be sufficient to satisfy the “good cause” standard for filing such information under seal. *See*
2 *Chloe SAS v. Sawaben Info. Servs. Co.*, 2015 WL 12734004, at *3 (C.D. Cal. Feb. 4, 2015) (finding that
3 non-party privacy interests sufficed for “good cause” and citing cases).

4 Even assuming, *arguendo*, that the “compelling reasons” standard for sealing this information
5 applies, U.S. Plaintiff’s Counsel’s request here would satisfy it. Generally, a “compelling reason” is
6 “sufficient to outweigh the public’s interest in disclosure and justify sealing court records . . . when
7 such court files might have become a vehicle for improper purposes, such as the use of records to
8 gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.”
9 *Kamakana*, 447 F.3d at 1179. “Courts generally accept attorney-client privilege and the work-product
10 doctrine as a compelling reason justifying a motion to seal[,]” which is the reason Lead Counsel seeks
11 to seal parts of Exhibit A. *WatchGuard Techs., Inc. v. iValue Infosolutions Pvt. Ltd.*, 2017 WL
12 3581624, at *2 (W.D. Wash. Aug. 18, 2017). Additionally, courts often find compelling reasons to seal
13 personally identifiable and other private information of the type that Lead Counsel seeks to redact. *See*
14 *Snapkeys, Ltd. v. Google LLC*, 2021 WL 1951250, at *3 (N.D. Cal. May 14, 2021) (finding compelling
15 reasons to seal personally identifiable information of nonparties and collecting cases).

16 For the above-mentioned reasons, Lead Plaintiff respectfully requests that the Court grant this
17 motion to seal and enter the attached order granting the motion.

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19 Dated: December 14, 2023

Respectfully submitted,

20 By: /s/ James M. Wilson, Jr.
James M. Wilson, Jr.

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