

IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 21-0217

JULIE KOSTELECKY, an individual, on behalf of herself and her minor child S.M.K.; and JASON KOSTELECKY, an individual, on behalf of himself and his minor child S.M.K.,

Plaintiffs and Appellants,

v.

PEAS IN A POD LLC; LACEY ALLEN; ERICA WILLIAMS; JANE AND JOHN DOES 1-10,

Defendants and Appellees.

**APPELLANTS' UNOPPOSED MOTION TO FILE OPENING BRIEF
UNDER SEAL**

On Appeal from Montana Eighteenth Judicial District Court
Gallatin County, Cause No. DV- 18-1249B
Honorable Rienne H. McElyea

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Appellants, through their counsel of record, respectfully move the Court for an order allowing them to file their opening brief and appendices thereto (“Brief”) under seal. Appellants’ Brief will contain confidential, personal identifiers specific to minor child S.M.K.

Furthermore, in the underlying case, most filings were under seal pursuant to court order, as reflected by the Case Register Report from the district court. In discovery, the Appellees produced certain documents specified as “CONFIDENTIAL – Subject to Protective Order in Cause No. DV-18-149A, Montana Eighteenth Judicial District Court, Gallatin County.” The undersigned is unaware of any Protective Order entered in that CCJI case but is aware of a Protective order entered in Cause No. DV-18-329C, Montana Eighteenth Judicial District Court, Gallatin County, which was a related CCJI case.

Appellants herein request their Brief be filed under seal pursuant to the Protective Order entered in Cause No. DV-18-329C, Montana Eighteenth Judicial District Court, Gallatin County, and to protect privacy interests of the parties.

Opposing counsel has been contacted and does not oppose the relief sought by this Motion.

A proposed Order is submitted herewith.

RESPECTFULLY SUBMITTED this 3rd day of September 2021.

/s/ Michael G. Black
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Attorneys for Plaintiffs and Appellants

CERTIFICATE OF SERVICE

I, Michael G. Black, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 09-03-2021:

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Electronically signed by Natalie Phillips on behalf of Michael G. Black
Dated: 09-03-2021