

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

DEFENDANTS' JOINT MOTION TO RESTRICT

Pursuant to General Local Rule 79(d), Laura Ricciardi, Moira Demos and Chrome Media LLC (together the “Producer Defendants”), joined by co-defendant Netflix, Inc. (“Netflix”), (collectively the “Defendants”), submit this Motion to Restrict (“Motion”) in connection with their Joint Civil L.R. 7(h) Expedited Non-Dispositive Motion for Order Allowing Defendants to Depose Plaintiff for 14 Hours Collectively. Although Defendants file this Motion in compliance with Rule 79(d), for the reasons set forth below, Defendants object to restricting public access to the deposition excerpt identified below. In support of their position, Defendants state as follows:

1. On May 20, 2022, Counsel for Netflix deposed Brenda Schuler, Andrew Colborn’s close confidant and Executive Producer of *Convicting a Murderer*. During the deposition, the parties agreed to treat the entirety of the transcript as confidential, and as with other depositions in this action, to seek permission from the relevant counsel to file excerpts of the transcript publicly.

2. During her deposition, Ms. Schuler testified regarding various topics that Defendants must now question Mr. Colborn about during his forthcoming deposition. And, to illustrate for the Court why Defendants require 14 hours collectively to depose Mr. Colborn, Defendants have attached several relevant excerpts from Ms. Schuler's deposition transcript regarding these topics.

3. On June 23, 2022, Counsel for the Producer Defendants sought agreement from Plaintiff's Counsel and counsel for Ms. Schuler to file publicly these deposition excerpts. Plaintiff's counsel consented to the de-designation and public filing of all excerpts. Counsel for Ms. Schuler, however, did not consent to de-designating a subset of these excerpts, namely pages 341-48, though consented to the de-designation of the remaining excerpts.

4. Defendants do not believe that the excerpt identified by Ms. Schuler's counsel is "confidential" as contemplated in the Protective Order, which permits designating as "confidential" only those documents that a party "in good faith believes . . . contain trade secrets or nonpublic confidential technical, commercial, financial, personal, or business information." Dkt. 189 at (A)(1).

5. For all the reasons herein, Defendants object to the restriction of pages 341-48 of Ms. Schuler's deposition transcript, and respectfully request that the Court deny this motion and publicly file their Motion and all related papers.

Dated: June 24, 2022

Respectfully submitted,

Leita Walker
Isabella Salomão Nascimento
Ballard Spahr LLP
2000 IDS Center, 80 South 8th Street
Minneapolis, MN 55402-2119
T: (612) 371-6222
F: (612) 371-3207
walkerl@ballardspahr.com
salamaonascimento@ballardspahr.com

Matthew E. Kelley
Emmy Parsons
Ballard Spahr LLP
1909 K Street, NW, Suite 1200
Washington, D.C. 20006-1157
T: (202) 508-1112
F: (202) 661-2299
kelley@ballardspahr.com
parsonse@ballardspahr.com

Counsel for Netflix, Inc.

s/ James A. Friedman
Kevin L. Vick (*pro hac vice*)
Meghan Fenzel (*pro hac vice*)
JASSY VICK CAROLAN LLP
355 South Grand Avenue, Suite 2450
Los Angeles, CA 90071
T: (310) 870-7048
F: (310) 870-7010
kvick@jassyvick.com
mfenzel@jassyvick.com

Counsel for Defendant Laura Ricciardi, Moira Demos, and Chrome Media, LLC

James A. Friedman, SBN 1020756
GODFREY & KAHN, S.C.
One East Main Street
Suite 500
Madison, WI 53703-3300
T: (608) 284-2617
F: (608) 257-0609
jfriedman@gklaw.com

Counsel for the Defendants

27424092.2