

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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ANDREW L. COLBORN,

Plaintiff

NETFLIX, INC., et al.,

Defendants.

Case No. 19-CV-484

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**REPLY BRIEF REGARDING MOTION TO RESTRICT AS TO NETFLIX, INC.  
AGREEMENT EXCERPTS**

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**INTRODUCTION**

With his response to Defendants’ summary judgment motions, Plaintiff filed a motion to restrict access to certain documents, including excerpts from an agreement that Netflix, Inc. had designated as “Attorneys’ Eyes Only.” Plaintiff respectfully submits this short reply to the response by Netflix, Inc.

**ARGUMENT**

Plaintiff welcomes the decision by Netflix, Inc. to agree that filed excerpts of the Defendants’ agreement need not be restricted from public view. *See* Dkt #334 at pp. 1-2, ¶3. Plaintiff responds only to the portion of Netflix’s response that accused Plaintiff’s counsel of depriving Netflix’s counsel of an opportunity to “meet and confer” regarding the motion to restrict. *See id.* at p. 1 ¶2. Plaintiff submits this response to clarify the record.

On at least two occasions prior to the parties’ summary judgment deadline, counsel for Netflix advised in writing that summary judgment submissions containing the agreement would need to be filed under seal. Declaration of April Rockstead Barker, Exs. 1 and 2. Plaintiff’s counsel considered making a request that Netflix reconsider its position after the first communication, but the second communication appeared to leave little room for discussion. *See*

*id.* Moreover, because Plaintiff was willing to accede to Netflix's demand, there appeared to be no reason to meet and confer.

### **CONCLUSION**

Putting aside whatever misunderstanding may have occurred prior to filing, Plaintiff and Netflix now agree that the agreement excerpts filed as Dkt #330-22 can be unsealed.

Dated this 22<sup>nd</sup> day of November, 2022.

By: /s/ April Rockstead Barker  
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