

- **An affidavit** that succinctly draws attention to the facts or admissions in the above.
- **Exhibit BB:** A CD or DVD containing the documents Plaintiffs designated confidential.

Filing under seal **Exhibit BB** serves an additional purpose: It demonstrates that Defendants' previous, unrebutted analysis of these documents is correct, and it facilitates Defendants' invoking of Defendants' legal right found in ¶ 7 of the confidentiality order, namely, to attack the confidentiality designation of documents either during or after this litigation. (Doc. 60). Otherwise, Defendants may need to file a number of motions to file under seal since the attacking of the designation of these documents may require multiple motions.

Pursuant to Local Rule 7.2(a), Defendants believe the above material should be impounded until further order of the Court. Defendants are not the designating party, and Defendants will prepare motions to attack the confidentiality designation of a considerable amount of the above material. Thus, the material should not be unimpounded until the resolution of those motions.

WHEREFORE, Defendants pray the Court to allow the above materials to be filed under seal, and to remain impounded until further order of the Court.

Respectfully submitted,

Dated: April 26, 2009

/s/ Gailon Arthur Joy, pro se
Gailon Arthur Joy, *pro se*
Sterling, MA 01564
Tel: (978) 333-6052

and

/s/ Robert Pickle, pro se
Robert Pickle, *pro se*
Halstad, MN 56548
Tel: (218) 456-2568
Fax: (206) 203-3751

LOCAL RULE 7.1 CERTIFICATE

The undersigned hereby attests that the Defendants have complied with the requirements of Local Rule 7.1 by having, in good faith, through counsel conferred with Plaintiffs. While Plaintiffs' counsel previously represented that he did not oppose motions to file under seal documents designated confidential by the Plaintiffs, he now represents that he opposes this motion.

Dated: April 26, 2009

/s/ Bob Pickle

Bob Pickle

AFFIDAVIT OF SERVICE

Under penalty of perjury, I, Bob Pickle, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: April 26, 2009

/s/ Bob Pickle

Bob Pickle