

1 **Ronald J. Logar, Nev. State Bar No. 303**
Eric Pulver, Nev. State Bar No. 7874
2 LAW OFFICE OF LOGAR & PULVER, PC
225 S. Arlington Ave., Ste. A
3 Reno, NV 89501
Tel: (775) 786-5040; Fax: (775) 786-7544
4 **Michael J. Flynn, Mass. State Bar No. 172780**
P.O. Box 690, 6125 El Tordo
5 Rancho Santa Fe, CA 92067
Tel: (858) 775-7624; Fax: (858) 759-0711
6 *Admitted Pro Hac Vice*

Carla A. DiMare, Mass. State Bar No. 553432;
7 LAW OFFICE OF CARLA DIMARE
P.O. Box 1668
8 Rancho Santa Fe, CA 92067
Tel: (858) 775-0707; Fax: (858) 786-2859
9 *Admitted Pro Hac Vice*

Attorneys for Plaintiff DENNIS MONTGOMERY, THE MONTGOMERY FAMILY TRUST, AND
10 THE TRUSTEES OF THE MONTGOMERY FAMILY TRUST.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 DENNIS MONTGOMERY, and the)
14 MONTGOMERY FAMILY TRUST,)
))
15 Plaintiffs,)
))
16 v.)
))
17 ETREPPID TECHNOLOGIES, LLC,)
WARREN TREPP, and the UNITED)
18 STATES DEPARTMENT OF DEFENSE,)
))
19 Defendants.)
))
20 _____)
AND ALL RELATED MATTERS.)
21 _____)

3:06-CV-00056-PMP-VPC
BASE FILE

3:06-CV-00145-PMP-VPC

22
23 **MONTGOMERY’S UNSEALED NOTICE AND MOTION RE: INSTRUCTIONS**
24 **ON HOW TO TREAT / FILE SENSITIVE MATERIAL**
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1 COMES NOW, Plaintiff's, DENNIS MONTGOMERY and the MONTGOMERY FAMILY
2 TRUST (hereinafter Montgomery) and notices and moves this Court for instructions regarding the
3 treatment and filing of Dennis Montgomery's Opposition to Trepp's "Emergency Motion" under
4 F.R.Crim.P. 41g and to Modify a State Court Preliminary Injunction under F.R.Civ.P. 65;
5 andDennis Montgomery's Declaration in Support Thereof.

6 Pursuant to this Court's Order of April 2, 2007, the parties were ordered not to file any
7 further Motions or other papers with the Court for thirty (30) days from the date of this Order
8 without leave of the Court through Magistrate Judge Cooke or United States District Judge Pro
9 except for any filing this Court previously has ordered the parties to file or otherwise are required
10 by the Federal Rules of Civil or Appellate Procedure. (Order 7:1-5).

11 Dennis Montgomery's above referenced Opposition is required to be filed in response to
12 Defendant's motion in accordance with the Federal Rules of Civil Procedure. Additionally,
13 undersigned counsel contacted Magistrate Cook's office and was instructed to file the Opposition.
14 Said Opposition and Declaration in Support thereof has been filed under seal.

15 However, Montgomery is mindful of the Court's admonition not to file classified or sensitive
16 material where it may inadvertently be disclosed to the public. In order for Montgomery to
17 adequately address the allegations and arguments set forth in Defendant's "Emergency Motion"
18 under F.R.Crim.P. 41g and to Modify a State Court Preliminary Injunction under F.R.Civ.P. 65,
19 Montgomery must reference certain sensitive information in his Opposition and Declaration in
20 support thereof.

21 Thus, Montgomery requests the Courts instructions in the treatment and filing of his
22 Opposition to Trepp's "Emergency Motion" under F.R.Crim.P. 41g and to Modify a State Court
23 Preliminary Injunction under F.R.Civ.P. 65; and Dennis Montgomery's Declaration in Support
24 Thereof.

25 Further, Montgomery is mindful of the Court's admonition not disclose the very information
26 he seeks to bring to the Court's attention to with this notice. Therefor, an Exparte Sealed Notice
27 and Motion Re: How to Treat/File Dennis Montgomery's Opposition and Declaration of
28 Montgomery is being filed under seal and not served on any party in this matter until further

1 instruction of this court. Further, the underlying Dennis Montgomery's Opposition to Trepp's
2 "Emergency Motion" under F.R.Crim.P. 41g and to Modify a State Court Preliminary Injunction
3 under F.R.Civ.P. 65; and Dennis Montgomery's Declaration in Support Thereof will be filed under
4 seal and not served on the parties to this matter pending further instruction of the Court.

5 Respectfully submitted,

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7 /s/ _____

8 Michael J. Flynn, Esq.

9 April 6, 2007

Attorney for Montgomery

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