

D. Loren Washburn (#10993)
lwashburn@smithcorrell.com
SMITH CORRELL, LLP
8 East Broadway, Suite 320
Salt Lake City, UT 84111
Telephone: (801) 584-1800
Facsimile: (801) 584-1820

Attorneys for Charles D. Scoville

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TRAFFIC MONSOON, LLC, a Utah Limited
Liability Company, and CHARLES DAVID
SCOVILLE, an individual,

Defendants.

**CHARLES SCOVILLE’S MOTION FOR
LEAVE TO FILE MOTION UNDER
SEAL**

Civil No. 2:16-cv-00832 JNP

Charles Scoville, by and through his counsel of record, respectfully submits the instant Motion for Leave to file Motion Under Seal. Contemporaneous with this filing, the undersigned counsel (“Counsel”) has filed a Motion to Excuse Appearance of Defendant Charles Scoville at Upcoming Evidentiary Hearing and Motion to Excuse Compliance with Subpoena (the “Sealed Motion”). The grounds for the Sealed Motion relate to recent developments concerning Mr. Scoville’s health, which is not a matter of public concern and something he should be entitled to keep private. Accordingly, Counsel respectfully requests that the Court grant the instant motion and allow the Sealed Motion to be filed under seal.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

Pursuant to DUCivR 5-3, a party may request leave of court to file a motion under seal under limited circumstances and where good causes exists for doing so. Here, recent developments

concerning Mr. Scoville's health have arisen that, at present, impair his ability to attend the hearing scheduled for April 11, 2018, and to respond to the subpoena recently issued by the Receiver. To avoid having to also file the entire motion under seal, Mr. Scoville's specific impairments are discussed in the Sealed Motion and are redacted in the version of the Motion to be publicly filed.

A redacted and a highlighted copy of the Sealed Motion have been filed concurrent herewith. Pursuant to DUCivR 5-3(b), Counsel has narrowly tailored his redactions to remove only those portions of the Sealed Motion that deal with Mr. Scoville's health. As required by DUCivR 5-3(b)(2)(B), Counsel respectfully requests that the Sealed Motion remain sealed indefinitely. The undersigned respectfully submits that Mr. Scoville's health is not a matter of public concern and the privacy issues at issue will not become less deserving of the protection requested with the passage of time.

II. CONCLUSION

Based on the foregoing, Counsel respectfully requests that the Court grant Mr. Scoville leave to file his Motion to Excuse Appearance of Defendant Charles Scoville at Upcoming Evidentiary Hearing and Motion to Excuse Compliance with Subpoena under seal.

DATED: April 2, 2018

SMITH CORRELL, LLP

/s/ D. Loren Washburn
D. Loren Washburn
Counsel for Charles Scoville

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2018, the foregoing **CHARLES SCOVILLE'S MOTION FOR LEAVE TO FILE MOTION UNDER SEAL** was served upon the person(s) named below, at the address set out below by email and CM/ECF:

Daniel J. Wadley
Amy J. Oliver
Alison J. Okinaka
Cheryl M. Mori
SECURITIES EXCHANGE COMMISSION
351 South West Temple, Suite 6.100
Salt Lake City, Utah 84101

Peggy Hunt (Utah State Bar No. 6060)
Michael Thomson (Utah State Bar No. 9707)
John J. Wiest (Utah State Bar No. 15767)
DORSEY & WHITNEY LLP
111 South Main Street, UT 84111-2176
Salt Lake City, UT 84111-2176

/s/ Melina Hernandez
