

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	The Honorable Liam O’Grady
	)	
KIM DOTCOM, et al.,	)	
	)	Criminal No. 1:12-CR-3
Defendants	)	
	)	

**MOTION OF SPECIALLY APPEARING DEFENDANT  
AND INTERESTED PARTY MEGAUPLOAD LIMITED  
TO FILE UNDER SEAL PORTIONS OF [PROPOSED] SUPPLEMENTAL BRIEF  
REGARDING RULE 41(G) HEARING**

Pursuant to Local Rule 49(E) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, specially appearing defendant Megaupload Limited (“Megaupload”) moves this Court for an Order sealing portions of the contemporaneously filed [PROPOSED] SUPPLEMENTAL BRIEF OF SPECIALLY APPEARING DEFENDANT AND INTERESTED PARTY MEGAUPLOAD LIMITED REGARDING RULE 41(G) HEARING (“Proposed Brief”). Specifically, Megaupload asks the Court to seal (1) those portions of the Proposed Brief that quote from the search warrant and sealing order issued in Case No. 1:10-SW-320 on June 24, 2010; (2) portions of Exhibit 1 to the Proposed Brief, which describe the contents of the search warrant issued in Case No. 1:10-SW-320; and (3) copies of the search warrant, the sealing order, and the accompanying materials issued in Case No. 1:10-SW-320, which are attached to the Proposed Brief as Exhibit 2. Megaupload seeks sealing of these materials on the grounds that the search warrant, the sealing order, and the accompanying materials are subject to an existing sealing order signed by Magistrate Judge Ivan D. Davis in Case No. 1:10-SW-320 on June 24, 2010. A redacted version of the Proposed Brief has been

publicly filed, and an unredacted version of the Proposed Brief has been filed under seal with this motion pursuant to Local Criminal Rule 49(E).

Because the information for which sealing is sought is subject to existing sealing orders, no additional justification is necessary. *See* Local Criminal Rule 49(F). Megaupload has considered alternatives less drastic than sealing and, although it believes that the cited materials should be unsealed, has determined that no less drastic option that is consistent with existing sealing orders is available. Pursuant to Local Rule 49(D)(4), Megaupload's Proposed Brief and exhibits should remain sealed until the Court orders the referenced portions and exhibit unsealed.

Respectfully submitted,

/s/ Heather H. Martin

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2013, the foregoing MOTION OF SPECIALLY APPEARING DEFENDANT AND INTERESTED PARTY MEGAUPLOAD LIMITED TO FILE UNDER SEAL PORTIONS OF [PROPOSED] SUPPLEMENTAL BRIEF REGARDING RULE 41(G) HEARING, was filed and served electronically by the Court's CM/ECF system upon all registered users.

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