



Helping online businesses protect their **rights**.

September 19, 2018

SENT VIA EMAIL

Honorable Magistrate Judge James L. Cott
500 Pearl Street, Room 1360
United States Courthouse
New York, NY 10007
Telephone: (212) 805-0250
Facsimile: (212) 805-7990
CottNYSDChambers@nysd.uscourts.gov

Re: SEUGNE BOTHA v. APPLE INC. ET AL 18-CV-6840 (GBD) (JLC)

Motion for Leave to File Under Seal and *In Camera*

Dear Judge Cott,

We represent plaintiff Seugne Botha ("Plaintiff" of Ms. Botha). We write to advise the Court that there was a recent breakdown in the relationship between our firm and Plaintiff, which we submit impairs our ability to continue to represent the Plaintiff in connection with this matter. Accordingly, we intend to file a motion seeking to be relieved as counsel for Plaintiff.

Because the basis for the motion includes sensitive information, we write to respectfully request that we be permitted to submit the motion under seal and in camera for the Court's eyes only. This would cause no prejudice to Plaintiff or the public because, as will be set forth in the motion and supporting papers, the motion shall deal solely with the breakdown of our firm's relationship with our clients and will not address the substantive claims in this action. Caselaw in this Circuit supports a request for in camera review of such applications. "[I]t is appropriate for a court considering a counsel's motion to withdraw to consider in camera submissions in order to prevent a party from being prejudiced by the application of counsel to withdraw." *See Weinberger v. Provident Life & Cas. Ins. Co.*, 1998 WL 898309, *1 (S.D.N.Y. December 23, 1998). "Documents in support of motions to withdraw as counsel are routinely filed under seal where necessary to preserve the confidentiality of the attorney-client relationship between a party and its counsel, and ... this method is viewed favorably by the courts." *See Thekkekk v.*

The Digital Business Law Group, P.A.
3958 Talah Dr., Palm Harbor, FL 34684
www.digitalbusinesslawgroup.com
Phone: 800-516-7903 • Fax: 800-257-9128

LaserSculpt, Inc., No. 11 CIV. 4426 HB JLC, 2012 WL 225924, at *3 (S.D.N.Y. Jan. 23, 2012) citing *Team Obsolete Ltd. v. A.HR.MA. Ltd.*, 464 F.Supp.2d 164, 166 (E.D.N.Y.2006).

We also write to respectfully request that the motion be filed by email to the Court by this Friday, October 26, 2018 with a copy to Plaintiff only (“Motion”). As you know, Plaintiff lives in South Africa, we propose that the Court allow responsive papers to be served thirty days (30) after the receipt of our Motion. Although we believe that Ms. Botha will be checking emails, this extended briefing schedule will allow her to submit her response, if any, in due course and with ample time. This would also allow time for a substitution of counsel if Ms. Botha retains new counsel during this interim period.

We also request a sixty (60) day stay of any required signatures on the settlement agreement that Ms. Botha worked out with Defendants (except Musixmatch) in your settlement conference on September 28, 2018.

We are available at the Court's convenience to discuss this further.

Sincerely,

Carlos A. Leyva, Esq.

cc: Botha, File

The Digital Business Law Group, P.A.
3958 Talah Dr., Palm Harbor, FL 34684
www.digitalbusinesslawgroup.com
Phone: 800-516-7903 • Fax: 800-257-9128