

ORIGINAL
FILED
U.S. DISTRICT COURT
MIDDLE GEORGIA

07 AUG -3 PM 12:00
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

THE NATIONAL ASSOCIATION OF)
BOARDS OF PHARMACY,)
)
Plaintiff,)
)
v.)
)
THE BOARD OF REGENTS OF THE)
UNIVERSITY SYSTEM OF GEORGIA)
and FLYNN WARREN, JR.,)
)
Defendants.)
_____)

CIVIL ACTION NO.:
3: 07-cv-84 (CDL)

MOTION TO FILE CASE UNDER SEAL

Plaintiff National Association of Boards of Pharmacy (“NABP”) moves for leave to file the above-referenced case, in its entirety, under seal, and in support thereof states as follows:

1. The issues in this case could affect the public confidence in pharmacists and the health system in general. If the facts of this case are covered in the media or are otherwise publicly available, there is a significant chance that the confidence of the general public in pharmacists and the dispensation of pharmaceuticals will be impaired.

2. This case involves copyright infringement and misappropriation of trade secrets in highly confidential testing materials used in the licensure of pharmacists in many jurisdictions, and reproduction of the testing materials is required in order for Plaintiff to prove its case. Making this information publicly available will further compromise the licensure of pharmacists.

3. Plaintiff is concerned that relevant material in this case will be disposed of, moved, or destroyed if this case is filed publicly, and has contemporaneously filed a Motion for

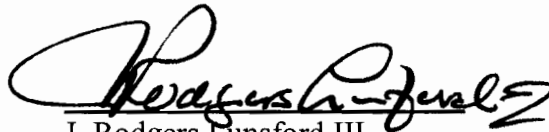
an *ex parte* seizure and temporary restraining order in furtherance of obtaining the relevant material without alerting Defendants in advance of the seizure.

WHEREFORE, Plaintiff prays that this Court grant Plaintiff's motion and allow it to file all documents in this case under seal.

This 2^d day of August, 2007.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Phone: (404) 815-3500
Fax: (404) 815-3509



J. Rodgers Lunsford III
Georgia Bar No.: 461200
rlunsford@sgrlaw.com
Kerri A. Hochgesang
Georgia Bar No.: 358448
khochgesang@sgrlaw.com
Devin H. Gordon
Georgia Bar No.: 141256
dgordon@sgrlaw.com
Todd D. Williams
Georgia Bar No.: 142379
twilliams@sgrlaw.com

Attorneys for Plaintiff The National
Association of Boards of Pharmacy