UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

_____/

Case No. 19-cv-21724
BLOOM/MCALILEY

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

MSC CRUISES SA, et al.,

Defendants.

_____/

Case No. 19-cv-23588
BLOOM/LOUIS

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

ROYAL CARIBBEAN CRUISES, LTD.,

Defendant.

_____/

Case No. 19-cv-23590
BLOOM/LOUIS

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

NORWEGIAN CRUISE LINE HOLDINGS, LTD.,

Defendant.

_____/

Case No.: 19-cv-23591
BLOOM/LOUIS

PLAINTIFF'S MOTION FOR PERMISSION TO USE
SEALED RECORDS AT THE DECEMBER 14th HEARING

Plaintiff Havana Docks Corporation ("Havana Docks") respectfully requests an order authorizing the use of sealed documents at the December 14th hearing.

1. Substantial discovery materials were filed as exhibits in connection with the parties' summary judgment motions, including documents, interrogatory answers, answers to requests for admission, and deposition transcripts.

2. Because almost all of these materials were designated "confidential" or "attorneys eyes only" when produced, the protective orders required Havana Docks to seek leave to file them under seal.

3. So the parties requested, and the Court granted, leave to file these records under seal until further order of the Court. Havana Docks took no position as to the duration of any sealing.

4. Because Havana Docks' briefs and statements of material facts cited extensively to sealed material, those documents were also filed under seal.

5. On request of the parties,[1] the Court set the pending summary judgment motions for hearing on December 14, 2021.

6. Havana Docks needs to use materials filed under seal in its presentation at the December 14, 2021 hearing.

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[1] *Havana Docks Corp. v. Carnival Corp.*, No. 19-cv-21724, ECF No. 376; *Havana Docks Corp. v. MSC Cruises, SA, et al.*, No. 19-cv-23588, ECF No. 260; *Havana Docks Corp. v. Royal Caribbean Cruises Ltd.*, No. 19-cv-23590, ECF No. 181; and *Havana Docks Corp. v Norwegian Cruise Line Holdings, Ltd.*, No. 19-cv-23591, ECF No. 283, (collectively, the "Motions")

7. The standing protective order in the Royal case contains the following provision regarding the use of "confidential" and "attorneys' eyes only" information at a hearing:

> Whenever … CONFIDENTIAL INFORMATION or ATTORNEYS' EYES ONLY INFORMATION is to be referred to or disclosed at trial or a hearing, any Party claiming confidentiality may seek leave from the Court to exclude from the room any person who is not entitled to receive CONFIDENTIAL INFORMATION or ATTORNEYS' EYES ONLY INFORMATION.

Royal Case, No. 19-cv-23590, ECF No. 83 at ¶ 12.

8. The standing protective orders in the Carnival, MSC, and NCL cases do not contain a comparable provision. In paragraph 3, however, they provide that:

> Any use of Protected Material at trial shall be governed by a separate agreement or order.

Carnival Case, No. 19-cv-21724, ECF No.229; *MSC* Case, No. 19-cv-23588, ECF No. 81; *Norwegian* Case, No. 19-cv-23591, ECF No. 154.

9. Havana Docks believes that all parties should be able to freely and fully present their arguments at the December 14, 2021 hearing, including through the use of sealed records. The only limitation should be to maintain as confidential personal identification information as provided by Fed. R. Civ. P. 5.2(a).

10. Havana Docks respectfully requests an order permitting all parties to use records that have been filed under seal at the December 14th hearing, with exception for personal identification information, which should be redacted as provided in Rule 5.2(a). *See Callahan, et. al. v. United Network for Organ Sharing*, --- F.4th ---- , 2021 WL 5351863, at *6 (11th Cir. Nov. 17, 2021) ("As we have long

recognized, when 'a matter is brought before a court for resolution, it is no longer solely the parties' case, but also the public's case.'").

Certification Pursuant to Local Rule 7.1(a)(3)

Counsel for Havana Docks certifies that he has conferred orally and in writing with counsel for the Defendants in a good faith effort to resolve by agreement the issues raised in this motion. Specifically, counsel has conferred by email on September 25, 2021 and November 16, 2021, and by phone on multiple occasions during the week of November 15, 2021. The parties, however, have been unable to resolve the issues raised in this motion.

Dated: November 19, 2021

Respectfully submitted,

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Attorneys for Plaintiff Havana Docks Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of the Court. I also certify that the foregoing document is being served this 19 November 2021, on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: *Roberto Martínez*
Roberto Martínez

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

_____/

Case No. 19-cv-21724
BLOOM/MCALILEY

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

MSC CRUISES SA,
MSC CRUISES SA CO, and
MSC CRUISES (USA) INC.,

Defendants.

_____/

Case No. 19-cv-23588
BLOOM/LOUIS

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

ROYAL CARIBBEAN
CRUISES, LTD.,

Defendant.

_____/

Case No. 19-cv-23590
BLOOM/LOUIS

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

NORWEGIAN CRUISE LINE
HOLDINGS, LTD.,

Defendant.

_____/

Case No.: 19-23591
BLOOM/LOUIS

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PERMISSION TO USE SEALED RECORDS AT THE DECEMBER 14TH HEARING

THIS CAUSE is before the Court upon the Plaintiff Havana Docks Corporation's Motion for Permission to Use Sealed Records at the December 14th Hearing, filed November 19, 2021. *See Havana Docks Corp. v. Carnival Corp.*, No. 19-cv-21724, ECF No. [___]; *Havana Docks Corp. v. MSC Cruises SA, et al.*, No. 19-cv-23588, ECF No. [___]; *Havana Docks Corp. v. Royal Caribbean Cruises Ltd.*, No. 19-cv-23590, ECF No. [___]; *Havana Docks Corp. v. Norwegian Cruise Line Holdings, Ltd.*, No. 19-cv-23591, ECF No. [___] (collectively, the "Motions").

Upon review of the Motions, it is **ORDERED AND ADJUDGED** that the Motions are **GRANTED**. Any party may use records that have been filed under seal at the December 14th hearing. The parties shall adhere to Rule 5.2(a) in their presentation of evidence at the hearing.

DONE AND ORDERED in Chambers at Miami, Florida, on November ____, 2021.

_____
BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record