UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-60907-Civ-Moreno/Seltzer

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants.
_____/

PNC'S UNOPPOSED AMENDED MOTION FOR PROTECTIVE ORDER

Non-party PNC Bank, N.A. ("PNC") respectfully moves the Court, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and Local Rule 26.1(g)(3), for the issuance of a confidentiality agreement and protective order to limit the use and disclosure of confidential information the Court has ordered PNC to produce. PNC certifies that it has conferred with Jonathan E. Perlman (the "Receiver") and Plaintiffs, the Federal Trade Commission ("FTC"), and the Office of the Attorney General, State of Florida, Department of Legal Affairs ("Florida Attorney General's Office"), all of whom do not oppose the granting of this motion and entry of the Confidentiality and Protective Order (the "Proposed Protective Order") attached hereto.

1. The relevant factual background is set forth in PNC's original Motion for Protective Order (the "Original Motion"), filed on November 4, 2019. [ECF No. 432].

2. While PNC does not waive any of the grounds for entry of a protective order set forth in the Original Motion, PNC has since met and conferred with the Receiver, the FTC, and the Florida Attorney General's Office in an effort to resolve the dispute regarding a protective order without judicial intervention.

3. PNC certifies that the Receiver, the FTC, and the Florida Attorney General's office do not oppose entry of the Proposed Protective Order.

4. The Proposed Protective Order allows PNC to designate documents produced in response to this Court's order [ECF No. 427] as "Confidential Information" restricted from general public disclosure. The Proposed Protective Order also includes provisions that take into account the Public Records Act, Chapter 119 of the Florida Statutes and Plaintiffs' right to share Confidential Information with other government agencies and law enforcement personnel.

5. The Proposed Protective Order adequately balances the public's right of access to judicial records with PNC's heightened interest in preventing public disclosure of its confidential, proprietary, and sensitive business information.

CONCLUSION

For these reasons set forth in this unopposed motion, as well as the reasons set forth in PNC's Original Motion for protective order, PNC respectfully requests the Court grant the instant motion and enter the Confidentiality and Protective Order in the form attached to govern the documents PNC is producing pursuant to this Court's order [ECF No. 427].

LOCAL RULE 7.1(a)(3) CERTIFICATION

PNC's counsel has conferred with counsel for Plaintiffs FTC and the Florida Attorney General's Office, all of whom do not oppose the granting of this motion or the relief requested herein.

Dated: November 22, 2019

Respectfully submitted,

s/Peter D. Hardy

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Respectfully submitted,

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CERTIFICATION OF SERVICE

I hereby certify that, on November 22, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will also send notice of this electronic filing to all counsel of record.

Respectfully submitted,

s/Peter W. Homer

Peter W. Homer, Esq.