



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

LEHMAN BROTHERS SECURITIES AND ERISA
LITIGATION

This document applies to: 09 MD 2017 (LAK)
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In the Matter of the Application of

RICHARD S. FULD, JR.,

Petitioner,

-against-

BOOTH FOUNDATION, INC.

Respondent.
----- x

09 MD 2017 (LAK)
and
Case No. M-82

Copies mailed [handwritten initials]
Chambers of Judge Kaplan

ORDER

LEWIS A. KAPLAN, *District Judge.*

On April 20, 2010, the Court issued a memorandum opinion granting in part and denying in part Fuld's motion to enjoin a FINRA arbitration against him by the Booth Foundation, Inc. ("Foundation"). The parties filed the memoranda of law and exhibits relating to that decision under seal.

On May 18, 2010, the Foundation moved to unseal the record.¹ Fuld opposed the motion, but consented to unseal "the pleadings and principal briefs submitted by the parties."² In

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The motion does not appear to have been filed on the ECF docket.

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Fuld Br. at 2. Specifically Fuld consented to unsealing the (1) Petition, dated March 24, 2010, (2) Answer to Petition, dated March 26, 2010, (3) Memorandum of Law of Richard S. Fuld, Jr. in Support of His Application by Order to Show Cause to Enjoin the Booth

reply, the Foundation agreed that “exhibits to pleadings and briefs” should remain sealed, and limited its request to unseal to “all pleadings and briefs submitted by the Parties, exclusive of exhibits.” The remaining dispute concerns whether (1) J. Michael Rediker’s *pro hac vice* motion, (2) the Foundation’s Amendment to Answer to Petition, dated April 5, 2010, (3) the Foundation’s Supplemental Submission in Response to Court’s March 31, 2010 Order, dated April 5, 2010, (4) the Foundation’s Submission in Response to Court’s April 6, 2010 Show Cause Order, dated April 9, 2010, and (5) the Foundation’s Motion and Memorandum of Law in Support of Motion to Reconsider, dated March 18, 2010 should remain under seal.

As the parties appear to have filed these documents under seal without Court authorization,³ the motion to unseal all pleadings and briefs submitted by the parties in this matter, exclusive of exhibits is granted.

SO ORDERED.

Dated: July 16, 2010



Lewis A. Kaplan
United States District Judge

Foundation FINRA Arbitration, dated March 24, 2010, (4) Booth Foundation’s Opposition to Application for Injunctive Relief and Memorandum of Law in Support of Such Opposition and In Response to Order to Show Cause, and (5) Reply Memorandum of Law of Richard S. Fuld, Jr. in Support of his Application by Order to Show Cause to Enjoin the Booth Foundation FINRA Arbitration, dated March 29, 2010. *Id.*

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See Order Authorizing Richard S. Fuld, Jr. to File the Declaration of Todd S. Fishman and the Documents Appended Thereto Under Seal, dated March 24, 2010 (authorizing Fuld to file Declaration of Todd S. Fishman and appended documents under seal).