

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

RUSS MCCULLOUGH, RYAN  
SAKODA, and MATTHEW ROBERT  
WIESE,  
individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

WORLD WRESTLING  
ENTERTAINMENT, INC.,

Defendant.

CIVIL ACTION NO.  
3:15-cv-001074 (VLB)  
Lead Case

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JOSEPH M. LAURINAITIS, *et al.*,

Plaintiffs,

v.

WORLD WRESTLING  
ENTERTAINMENT, INC. *et al.*,

Defendants.

CIVIL ACTION NO.  
3:16-CV-01209 (VLB)  
Consolidated Case

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PLAINTIFFS' MEMORANDUM IN SUPPORT OF THEIR MOTION TO UNSEAL THE  
DEPOSITIONS OF PAUL LEVESQUE, STEPHANIE MCMAHON, AND VINCENT K.  
MCMAHON, EXHIBITS IN DEFENDANTS' MOTIONS TO DISMISS

On November 8, 2016, the Defendants World Wrestling Entertainment, Inc. ("WWE") and Vincent K. McMahon ("VKM"), (together, "Defendants"), filed redacted exhibits to their Motion for Sanctions and Motion to Dismiss. Dkt. Nos. 250 and 251. Among these exhibits were selected portions of depositions taken in the *Singleton Lograsso* consolidated case, Case No. 3:15-cv-00425 (VLB). These

depositions include those of Paul Levesque (Dkt. No. 250, Ex. 8), Stephanie McMahon (Dkt. No. 250, Ex. 9), and Vincent K. McMahon (Dkt. No. 250, Ex. 10).

However, these depositions had been designated by Defendant WWE as CONFIDENTIAL pursuant to the Court's Standing Protective Order (Dkt. No. 27). Given the prejudicial use of the unredacted selected portions of these depositions, the Plaintiffs request that the depositions be unsealed in their entirety since the Defendants have waived any reasons for the initial confidential designation. Further, any continuance of the protective seal would unfairly prejudice the Plaintiffs' use of these documents and the unfair tinge such unilateral selective use of the public record displays on the Plaintiffs.

The Defendants bear the burden to maintain these depositions under seal. *See DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 826 (2d Cir. 1997); *Greater Miami Baseball Club Ltd. Partnership v. Selig*, 955 F. Supp. 37, 40 (S.D.N.Y. 1997) (placing the burden of proof "on the party seeking confidentiality protection to establish the need for it" in a case where a non-party had moved to unseal a deposition transcript). There is no question that the deposition of a Defendant in this matter, Vincent K. McMahon, and the depositions of Paul Levesque, as WWE's corporate representative, and Stephanie McMahon, a WWE executive, are judicial records favoring a presumption of public access. *United States v. Amodeo*, 44 F.3d 141, 146 (2d Cir. 1995); Conn. Gen. Prac. Book., R. Super. Ct. § 11-20A.

Here, the Defendants use of these depositions as exhibits to their Motions to Dismiss establishes a new balance that must be drawn now and which balance warrants the unsealing of these depositions given the now strong presumption in

favor of public access to this information. *Greater Miami Baseball Club*, 955 F. Supp. at 39 (assuming a deposition transcript used in connection with a motion to dismiss was a judicial document and “presumptively matters to which the public is entitled to access”). Plaintiffs should now have the opportunity to rebut the Defendants’ arguments on the public record, which rebuttal will include the depositions used by the Defendants in their Motions to Dismiss.

The Defendants use of portions of the sealed depositions was a tactical decision to obtain a strategic advantage over the Plaintiffs even though WWE had itself sought the confidential designation sealing the depositions. The Defendants would not have filed the depositions unsealed were the documents prejudicial to the relevant individuals, and therefore WWE’s initial arguments for sealing the depositions must be moot. Such use of the depositions on the public record in connection with their Motions to Dismiss is prejudicial to the Plaintiffs, and therefore the depositions should be provided to the public in their entirety. Further, pursuant to the Court’s October 20 Order, the Defendants can redact the depositions to omit proprietary information, thereby curing any hardship on the Defendants.

Accordingly, the Plaintiffs hereby request that the depositions of Paul Levesque, Stephanie McMahon, and Vincent K. McMahon be unsealed as WWE has waived its original assertions for sealing the depositions given the Defendants use of the depositions on the public record in their Motions to Dismiss and which selective, unilateral public use unfairly prejudices the Plaintiffs.

Dated: January 10, 2017.

Respectfully submitted,

/s/ Konstantine W. Kyros

Konstantine W. Kyros, Esq.

Bar no. ct30132

KYROS LAW OFFICES

17 Miles Road

Hingham, MA 02043

Telephone: (800) 934-2921

Facsimile: 617-583-1905

kon@kyroslaw.com

Brenden P. Leydon, Esq.

TOOHER WOCL & LEYDON LLC

80 4th Street

Stamford, Connecticut 06905

Telephone: (203) 517-0456

Facsimile: 203-324-1407

BLeydon@toohewocl.com

S. James Boumil, Esq.

BOUMIL LAW OFFICES

120 Fairmount Street

Lowell, Massachusetts 01852

Telephone: (978) 458-0507

SJBoumil@Boumil-Law.com

Anthony M. Norris, Esq.

KYROS LAW OFFICES

17 Miles Road

Hingham, Massachusetts 02043

Telephone: (603) 995-1792

Facsimile: (617) 583-1905

anorris@kyroslaw.com

Erica C. Mirabella, Esq.

MIRABELLA LAW LLC

132 Boylston Street, 5th Floor

Boston, Massachusetts 02116

Telephone: (617) 580-8270

Facsimile: (617) 583-1905

erica@mirabellaLLC.com

R. Christopher Gilreath, Esq.

GILREATH & ASSOCIATES

**200 Jefferson Avenue, Suite 711  
Memphis, Tennessee 38103  
Telephone: (901) 527-0511  
Facsimile: (901) 527-0514  
chrisgil@sidgilreath.com**

***Counsel for Plaintiffs.***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of January, 2017, a copy of the foregoing Complaint was served via this Court's electronic case filing system.

*/s/ Konstantine W. Kyros*  
Konstantine W. Kyros