

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF ILLINOIS
MADISON COUNTY

FILED

APR 15 2011
CLERK OF CIRCUIT COURT #68
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

HOLIDAY SHORES SANITARY DISTRICT,)
Individually and on behalf of all others)
Similarly situated,)

Plaintiff,)

v.)

SYNGENTA CROP PROTECTION, LLC., and)
GROWMARK, INC.,)

Defendants.)

Case No. 2004-L-000710

**DEFENDANT SYNGENTA CROP PROTECTION LLC'S MOTION TO FILE
EXHIBITS UNDER SEAL**

COMES NOW Defendant Syngenta Crop Protection, LLC ("SCP, LLC"), pursuant to Local Rule 3.01(B), and for its Motion to File Exhibits under Seal states as follows:

1. Plaintiffs filed their First Amended Class Action Complaint on August 5, 2004.
2. On May 22, 2009, Plaintiffs served SCP, LLC with Interrogatories and Requests for Production of Documents, which in part, requested documents and information on SCP, LLC's share of the atrazine market for the State of Illinois.
3. On June 18, 2009, SCP, LLC filed its Motion for Protective Order seeking, in part, to limit various aspects of Plaintiffs' discovery requests to activities that occurred within and issues related to the State of Illinois.
4. On August 31, 2009, this Court entered a Protective Order governing the use and dissemination of all information, documents or materials that are produced in this action and designated as Confidential.

5. On or about March 28, 2011, Plaintiffs filed their Motion for Sanctions Regarding Discovery as to Atrazine Distribution, Sale, Application and Market Share.

6. In support of their Response opposing Plaintiffs' Motion for Sanctions Regarding Discovery as to Atrazine Distribution, Sale, Application and Market Share., SCP, LLC intends to file exhibits consisting of SCP, LLC's First Amended Answers to Interrogatories (Exhibit D), communications with a litigation consultant (Exhibit M), and Doane/GfK kynetec survey data relating to the use and application of atrazine in the State of Illinois which are subject to contractual agreement(s) prohibiting dissemination (Exhibits K and P).

7. Said Exhibits contain Confidential business information which is not related to the merits of the case, as well as sensitive information including but not limited to and documents which are protected from disclosure by contract and Court order. Each of these documents has been designated as Confidential under the Protective Order entered by this Court on August 31, 2009.

8. Due to the confidential and sensitive nature of the information contained therein, SCP, LLC requests leave to file Exhibits D, K, M, and P in support of SCP LLC's Response to Plaintiffs' Motion for Sanctions Regarding Discovery as to Atrazine Distribution, Sale, Application and Market Share. under seal pursuant to local rule 3.01(B).

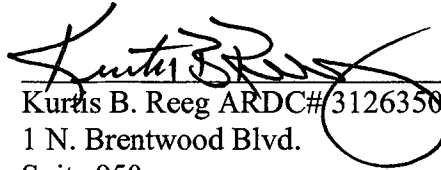
WHEREFORE, Defendant Syngenta Crop Protection LLC., requests this Court grant Defendant leave to file Exhibits D, K, M, and P in support of its Response to Response to Plaintiffs' Motion for Sanctions Regarding Discovery as to Atrazine Distribution, Sale, Application and Market Share under seal.

DATE: April 15, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

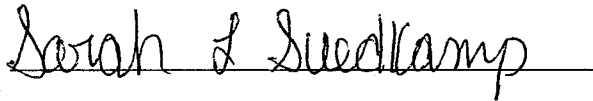
The undersigned hereby certifies that on the 15th day of April, 2011, I caused to be served the attached via **hand delivery**, upon the following counsel:

TO: Stephen M. Tillery, Esq.
Christie Deaton, Esq.
Korein Tillery, L.L.C.
U.S. Bank Plaza
505 North 7th Street, Suite 3600
St. Louis, MO 63101,

with a copy sent via United States mail, properly addressed and postage paid, upon the following counsel:

Mr. Scott Summy
Ms. Celeste Evangelisti
Baron & Budd
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Attorneys for Plaintiffs

A handwritten signature in cursive script, reading "Sarah L. Suedkamp", is written over a horizontal line.