

Klein Investigations and Consulting,  
a Division of Klein Investments, Inc.,  
*Plaintiff*

In The District Court of

v.

Kallop Enterprises, LLC; Offshore  
Express, Inc.; Offshore Specialty  
Fabricators, LLC (OSF); Offshore  
International Group; Offshore  
Shipbuilding, Inc.; Avid, LLC;  
Avid Air, LLC; Fairways, Inc.;  
Fairways Exploration and Production,  
LLC; Pisco Porton, LLC; and  
FS Air Service, Inc.,  
*Defendants*

Jefferson County, Texas

60<sup>th</sup> District Court

ORDER DENYING PLAINTIFFS' SECOND AMENDED MOTION TO SEAL  
DEFENDANTS' RESPONSE, WITH EXHIBITS, TO PLAINTIFFS' MOTION FOR  
CONTINUANCE AND FOR DISCOVERY ON DEFENDANTS' TCPA MOTION AND MOTION  
FOR CONTEMPT

On June 19, 2018 the Court heard the Plaintiffs' Second Amended Motion to Seal Defendants' Response, with Exhibits, to Plaintiffs' Motions for Continuance and for Discovery on Defendants' TCPA Motion, and Motion for Contmpt (herein referred to as the "Second Amended Motion to Seal"). After considering the pleadings, evidence and argument of counsel, the Court finds that:

Texas Rule of Civil Procedure 76a.3. (the "Rule") requires the movant to, among other things, post a public notice stating:

1. that a hearing will be held in open court on a motion to seal court records in a specific case;
2. that any person may intervene and be heard concerning the sealing of court records;
3. the specific time and place of the hearing;
4. the style and number of the case;
5. a brief but specific description of both the nature of the case and the records which are sought to be sealed; and
6. the identity of the movant.

The Notice of Motion and Hearing on Motion to Seal Permanently Court Records (the "Notice") that Plaintiff represents was posted in the Verification filed with the Court does not meet the requirements of the Rule in that the Notice does not state that "any person may intervene and be heard concerning the sealing of court records". For a person whose right to intervene and be heard is not otherwise limited by law, notice of that right is directed at the very puprose of the Rule, and its absence in the Notice is not a matter of inconsequential defect in form.

The Notice does state, among other things, that "The hearing will be open to the public", and although the hearing being "open to the public" may suggest that the hearing "will be held in open court", another statement required by the Rule, it is not the same as the right to intervene and be heard.

It is Ordered that the Second Amended Motion to Seal is denied.

A handwritten signature in black ink, appearing to read "John Coselli". The signature is written in a cursive style with a large, looping initial "J".

Signed: June 20, 2018

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Judge John Coselli