

SEP 13 2004

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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

SHERRY R. HUBER,)	Case No. CIV03-527-S-BLW
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM IN SUPPORT
)	OF MOTION TO FILE
IDA-WEST ENERGY COMPANY, and)	DOCUMENTS UNDER SEAL
IDAHO POWER COMPANY,)	
)	FILED UNDER SEAL
Defendants.)	
_____)	

COME NOW, the Defendants, Ida-West Energy Company and Idaho Power Company,
and by and through its counsel of record, respectfully submit this memorandum in support of
their motion to seal documents.

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Defendants are requesting that the Court seal the following documents that are being filed concurrently herewith:

- 1) Defendants' Memorandum in Opposition to Plaintiff's Motion to Compel;
- 2) Affidavit of Robert Stahman in Opposition to Plaintiff's Motion to Compel;
- 3) Affidavit of Elaine H. Lee in Opposition to Plaintiff's Motion to Compel and attached documents;
- 4) Defendants' Motion for Partial Summary Judgment
- 5) Defendants' Memorandum in Support of Motion for Partial Summary Judgment;
- 6) Defendants Statement of Material Facts;
- 7) Defendant's Motion to File Documents Under Seal;
- 8) Defendant's Memorandum in Support of Motion to File Documents Under Seal.

In addition, Defendants request that the following documents previously filed with the Court by Plaintiff on August 23, 2004, be placed under seal as well:

- 1) Plaintiff's Motion to Compel.
- 2) Plaintiff's Memorandum in Support of Motion to Compel
- 3) Affidavit of John C. Lynn in Support of Motion to Compel, and attached documentation.
- 4) Plaintiff's Rule 37 Certification.

ARGUMENT

As indicated above, the Defendants are asking that the Court place under seal all court filings related to the Plaintiff's Motion to Compel and the Defendants' Motion for Partial Summary Judgment. These motions concern an investigation by Ida-West Energy Company into e-mails sent by Randy Hill, the President of Ida-West Energy Company ("Ida-West") to male employees of Ida West at their home e-mail addresses. The investigation concerned whether any company policies, in particular, the company policy against sexual harassment, had been violated. Although the Plaintiff in the instant case, Sherry Huber, was interviewed as part of this investigation, her own conduct was not at issue. This investigation, and Ms. Huber's interview, occurred in August of 1998. In this case, Ms. Huber now claims that she was subject to retaliatory actions in the year 2000 for having given an interview in the 1998 investigation. Ms.

Huber has brought a motion to compel production of documents related to that investigation. Defendants, in turn, have moved for summary judgment and have asked the Court to prohibit the Plaintiff from pursuing these retaliation theories on the grounds that she cannot prove a causal connection.

The 1998 investigation that these two motions concern is obviously of a sensitive and confidential nature. It is potentially very embarrassing to Mr. Hill personally and to Ida-West generally to have this information available on the public record, particularly given the easy access that the internet provides. At the same time, as set forth in the Motion for Partial Summary Judgment, Defendants believe that the 1998 investigation has no relevance to Ms. Huber's claims in the present case. For all these reasons, Defendants submit that it is appropriate to have these documents filed under seal.

DATED this 13th day of September, 2004.

GJORDING & FOUSER, PLLC



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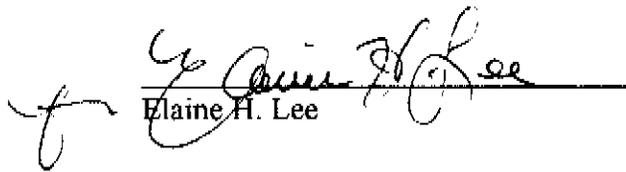
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2004, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

John C. Lynn
LYNN, SCOTT & HACKNEY, P.L.L.C.
500 West Bannock
Boise, ID 83702

- U.S. mail, postage prepaid
- express mail
- hand delivery
- facsimile


Elaine H. Lee