

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	4:11-CV-00655-MHS
JAMES G. TEMME, and	:	
STEWARDSHIP FUND, LP,	:	
	:	
Defendants,	:	
	:	
	:	

PLAINTIFF’S OPPOSITION AND RESPONSE MOTION TO SEAL

Defendant has asked the court to seal a portion of the evidence submitted in response to Plaintiff’s Motion for Summary Judgment. In a separate document the Commission asks the Court to strike that exhibit in its entirety. In the event the Court does not strike that document, the Commission opposes the motion to seal.

There is a presumption of public access to litigation in the federal courts. *Ryon v. Burkhalter*, 2010 WL 2667362 (M.D.La); *Bahwell v. Stanley-Bostitch, Inc.*, 2002 WL 1298777 (E.D.La.). That is particularly true in actions brought to enforce federal securities laws, and the Commission does not believe the evidence at issue is sufficient to overcome this heavy burden and instead any privacy concerns can be met through proper redaction. Further, Defendant has not presented any specific reason that would justify disregarding that presumption.

Counsel for the Commission and counsel for Defendant are continuing to discuss an appropriate way to handle the exhibit including the filing of a redacted version. The parties believe a resolution of this issue may be possible.

Respectfully submitted,

/s/ David B. Reece

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CERTIFICATE OF SERVICE

I certify that on August 22, 2013, I electronically filed the foregoing ***Plaintiff's Opposition and Response to Motion to Seal*** with the Clerk of the Court for the Eastern District of Texas, Sherman Division, using the CM/ECF system. The electronic case filing system will send a "Notice of Electronic Filing" to all counsel of record who has consented in writing to accept service of this document by electronic means.

/s/ David B. Reece

David B. Reece