

Nos. 10-3270 & 10-3342

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

VIACOM INT'L INC., et al.	)	On Appeal from the United
	)	States District Court for the
Plaintiffs-Appellants,	)	Southern District of New York
v.)	
	)	No. 1:07-CV-2103
YOUTUBE, INC., et. al.,)	
	)	The Honorable Louis L.
Defendants-Appellees.	)	Stanton, United States
	)	District Judge

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LTD., et al.	)	On Appeal from the United
	)	States District Court for the
	)	Southern District of New York
)	
Plaintiffs-Appellants,	)	No. 1:07-CV-03582
v.)	
	)	The Honorable Louis L.
YOUTUBE, INC., et. al.,	)	Stanton, United States
	)	District Judge.
Defendants-Appellees.)	

**DECLARATION OF ANDREW H. SCHAPIRO IN SUPPORT
OF MOTION TO FILE APPELLEES' BRIEF UNDER
SEAL AND TO FILE A REDACTED VERSION OF
APPELLEES' BRIEF ON THE PUBLIC DOCKET**

Pursuant to 28 U.S.C. § 1746, Andrew H. Schapiro declares as follows:

1. I am a partner at Mayer Brown LLP and counsel for Defendants-Appellees in the above-captioned cases. I submit this declaration in support of Appellees' Motion to File Appellees' Brief Under Seal and to File a Redacted Version of Appellees' Brief on the Public Docket.

2. I am authorized to state that Plaintiffs-Appellants Viacom Int'l Inc., et al. and Class Plaintiffs-Appellants The Football Association Premier League Ltd., et al. do not oppose this motion.

3. Both a sealed and a redacted version of Appellees' answering brief were initially filed in each of the above captioned cases on March 31, 2011. Appellees received a Notice of Defective Filing (the "Notice") on April 1, 2011. The Notice advised Appellees to cure defects by first filing the present motion and, if the motion is granted, re-filing the redacted brief electronically no later than April 5, 2011.

4. The brief refers to information that is subject to the Second Amended Stipulated Pre-Trial Protective Order, entered on May 15, 2008 in the district court (the "Protective Order"). Specifically, the brief

refers to material that has been designated Confidential or Highly Confidential by the Viacom Plaintiffs-Appellants. In addition to the Protective Order, on request of the Viacom Plaintiffs-Appellants, on August 3, 2010 the district court separately ordered that this protected information be redacted from filings in the district court. The Protective Order and separate sealing order are attached hereto as exhibit A and B, respectively.

5. The brief also refers to information that is the subject of a sealing order granted by the district court on July 29, 2010 and docketed on July 30, 2010. This sealing order was granted at the request of third party Bay TSP and is attached hereto as Exhibit C.

6. When filing their opening brief, Class Plaintiffs also moved for permission to file their brief under seal and to file a redacted version on the public docket. Appellees did not oppose that motion. The motion was granted.

7. For these reasons, Appellees respectfully request that the Court grant leave for the filing of Appellees' brief under seal, and to thereafter file a copy of the brief on the public docket with the protected excerpts redacted from the public version.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of April, 2011.

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CERTIFICATE OF SERVICE

I certify that on April 1, 2011, I caused copies of this motion to be sent to the following:

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