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 KEVIN KEITHLEY and TREN  
 8 TECHNOLOGIES HOLDINGS, LLC

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

14 KEVIN KEITHLEY and TREN  
 TECHNOLOGIES HOLDINGS, LLC,

15 Plaintiffs,

16 v.

17 THE HOMESTORE.COM, INC., THE  
 18 NATIONAL ASSOCIATION OF REALTORS,  
 and THE NATIONAL ASSOCIATION OF  
 19 HOME BUILDERS OF THE UNITED STATES,

20 Defendant.

CASE No. C03-04447 SI (EDL)

Judge: Honorable Susan Illston

**PLAINTIFFS KEVIN KEITHLEY  
 AND TREN TECHNOLOGIES  
 HOLDINGS, LLC'S  
 ADMINISTRATIVE MOTION FOR  
 FILING UNDER SEAL;**

**SUPPORTING DECLARATION OF  
 SCOTT R. MOSKO;**

**[PROPOSED] ORDER**

1 **ADMINISTRATIVE MOTION FOR FILING UNDER SEAL**

2 **1. Papers Submitted for Partial Filing Under Seal**

3 Pursuant to Civil Local Rules 7-11 and 79-5(c), Plaintiffs respectfully hereby request leave of  
4 Court to file under seal certain portions of the following document being lodged with the Clerk:

5 a. The highlighted and unredacted version of Plaintiffs Kevin Keithley and  
6 TREN Technologies Holdings LLC's Response to Defendants' Objections to the Non-Dispositive  
7 Portion of the Order for Monetary Sanctions and Report and Recommendation for Adverse Inference  
8 Instruction to Remedy Discovery Misconduct ("Response"). This Response contains excerpts from  
9 the deposition of Philip Dawley, the Defendants' designated Rule 30(b)(6) witness. This deposition  
10 was designated Highly Confidential - Attorneys' Eyes Only by Defendants pursuant to Stipulated  
11 Protective Order. It contains confidential, proprietary and sensitive business information and the  
12 excerpts from within it should remain sealed from public view.

13 As required by Civil Local Rule 79-5(c), Defendants are lodging with the Clerk copies of this  
14 Response which has been designated Confidential for filing under seal.

15  
16 **SUPPORTING DECLARATION OF SCOTT R. MOSKO**

17 I, Scott R. Mosko, declare as follows:

18 1. I am an attorney licensed to practice before this Court and all courts of the State of  
19 California, and am a partner with Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P., counsel  
20 for Plaintiffs in the above-entitled action. I submit this declaration in support of the Plaintiffs Kevin  
21 Keithley and Tren Technologies Holdings, Inc.'s Administrative Motion for Filing Under Seal. The  
22 matters stated herein are based upon my personal knowledge, and if called as a witness, would  
23 testify as to the following statements.

24 2. The representations made above in this Administrative Motion are true and correct to  
25 the best of my knowledge and belief.

26 //

27 //

28 //

1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct and this declaration was executed this October 3, 2008, at Palo Alto, California.

3 /s/

4 Scott R. Mosko  
5 Attorney for Plaintiffs Kevin Keithley and TREN  
6 Technologies Holdings, LLC  
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**[PROPOSED] ORDER**

Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents be filed under seal:

1. The highlighted and unredacted version of Plaintiffs Kevin Keithley and TREN Technologies Holdings LLC's Response to Defendants' Objections to the Non-Dispositive Portion of the Order for Monetary Sanctions and Report and Recommendation for Adverse Inference Instruction to Remedy Discovery Misconduct.

**IT IS SO ORDERED.**



Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
Judge Susan Illston