

LUTHER ORTON (State Bar No. 54258)  
JENNIFER L. SHODA (State Bar No. 194469)  
SNYDER MILLER & ORTON LLP  
111 Sutter Street, Suite 1950  
San Francisco, CA 94104  
Telephone: (415) 962-4400  
Facsimile: (415) 962-4401

BRUCE J. ROSE  
S. BENJAMIN PLEUNE  
ALSTON & BIRD, LLP  
101 South Tryon Street  
Charlotte, NC 28280  
Telephone: (704) 444-1000  
Facsimile: (704) 444-1111

Attorneys for Defendants  
The Homestore.com, Inc.,  
The National Association of Realtors, and  
The National Association of Home Builders of the  
United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KEVIN L. KEITHLEY, et al.,  
  
Plaintiffs,  
  
vs.  
  
THE HOMESTORE.COM, INC., et al,  
  
Defendants.

Case No. C 03-04447 SI  
  
**DEFENDANTS' ADMINISTRATIVE  
MOTION FOR FILING UNDER  
SEAL**  
  
**SUPPORTING DECLARATION OF  
JENNIFER L. SHODA**  
  
**[PROPOSED] ORDER**

**ADMINISTRATIVE MOTION FOR FILING UNDER SEAL**

**1. Papers Submitted For Filing Under Seal in Their Entireties**

Pursuant to Civil Local Rules 7-11 and 79-5(b), Defendants Homestore, Inc., the National Association of Realtors and the National Association of Home Builders of the United States hereby request leave of Court to file under seal in its entirety the following documents being



1 lodged with the Clerk:

- 2 • Exhibit 13 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
3 National Association of Realtors' and The National Association of Home Builders of  
4 the United States' Motion For Summary Judgment
- 5 • Exhibit 14 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
6 National Association of Realtors' and The National Association of Home Builders of  
7 the United States' Motion For Summary Judgment
- 8 • Exhibit 15 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
9 National Association of Realtors' and The National Association of Home Builders of  
10 the United States' Motion For Summary Judgment
- 11 • Exhibit 16 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
12 National Association of Realtors' and The National Association of Home Builders of  
13 the United States' Motion For Summary Judgment
- 14 • Exhibit 17 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
15 National Association of Realtors' and The National Association of Home Builders of  
16 the United States' Motion For Summary Judgment
- 17 • Exhibit 18 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
18 National Association of Realtors' and The National Association of Home Builders of  
19 the United States' Motion For Summary Judgment
- 20 • Exhibit 19 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
21 National Association of Realtors' and The National Association of Home Builders of  
22 the United States' Motion For Summary Judgment
- 23 • Exhibit 20 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
24 National Association of Realtors' and The National Association of Home Builders of  
25 the United States' Motion For Summary Judgment
- 26 • Exhibit 21 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
27 National Association of Realtors' and The National Association of Home Builders of  
28 the United States' Motion For Summary Judgment
- Exhibit 22 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
National Association of Realtors' and The National Association of Home Builders of  
the United States' Motion For Summary Judgment
- Exhibit 23 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
National Association of Realtors' and The National Association of Home Builders of  
the United States' Motion For Summary Judgment
- Exhibit 24 to the Declaration of Jennifer L. Shoda in Support of Defendants The  
National Association of Realtors' and The National Association of Home Builders of  
the United States' Motion For Summary Judgment

- Exhibit 25 to the Declaration of Jennifer L. Shoda in Support of Defendants The National Association of Realtors' and The National Association of Home Builders of the United States' Motion For Summary Judgment

Defendants have marked the documents contained in these exhibits as Highly Confidential – Attorneys' Eyes Only by Defendants, and said exhibits contain highly sensitive, confidential business information.

The exhibits have been designated as Confidential – Attorney's Eyes Only by Defendants.

## **2. Motion Submitted for Partial Filing Under Seal**

Defendants assert that portions of their Memorandum of Points and Authorities In Support of Defendants The National Association of Realtors' and The National Association of Home Builders of The United States' Motion For Summary Judgment (filed under seal) contains sensitive, confidential financial information. Accordingly, Defendants respectfully request leave of Court to file under seal Memorandum of Points and Authorities In Support of Defendants The National Association of Realtors' and The National Association of Home Builders of The United States' Motion For Summary Judgment.

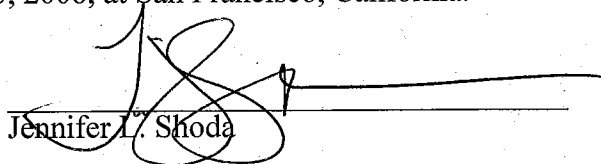
**SUPPORTING DECLARATION OF JENNIFER L. SHODA**

I, Jennifer L. Shoda, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of California. I am an attorney in the law firm of Snyder, Miller & Orton, counsel for defendants Homestore, Inc., The National Association of Realtors, and The National Association of Home Builders of the United States (collectively "Defendants"). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

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

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 3, 2008, at San Francisco, California.

  
Jennifer L. Shoda

**[PROPOSED] ORDER**

1  
2 Upon good cause shown, IT IS HEREBY ORDERED that DEFENDANTS'  
3 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS THE  
4 NATIONAL ASSOCIATION OF REALTORS' AND THE NATIONAL ASSOCIATION OF  
5 HOME BUILDERS OF THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT and  
6 EXHIBITS 13 THROUGH 25 TO THE DECLARATION OF JENNIFER L. SHODA IN SUPPORT  
7 OF DEFENDANTS THE NATIONAL ASSOCIATION OF REALTORS' AND THE NATIONAL  
8 ASSOCIATION OF HOME BUILDERS OF THE UNITED STATES' MOTION FOR SUMMARY  
9 JUDGMENT be filed under seal by the Clerk.

10 **IT IS SO ORDERED.**

11 Dated:



12  
13  
14 Susan Illston  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28