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AT&T CORP. and AT&T INC.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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19 TASH HEPTING, GREGORY HICKS,
CAROLYN JEWEL and ERIK KNUTZEN
20 on Behalf of Themselves and All Others
Similarly Situated,

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Plaintiffs,

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vs.

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24 AT&T CORP., AT&T INC. and DOES 1-20,
inclusive,

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Defendants.

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No. C-06-0672-VRW

**RESPONSE OF AT&T CORP. TO
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL [DKTS. 183-85]**

Courtroom: 6, 17th Floor

Judge: Hon. Vaughn R. Walker

Hearing: June 23, 2006

Time: 9:30 a.m.

1 On June 8, 2006, plaintiffs filed under seal Plaintiffs’ Opposition to Motion to
2 Dismiss Or, in the Alternative, for Summary Judgment by the United States of America
3 Based on the State Secrets Privilege (*see* Dkt. 181, the “Opposition”) and the Declaration of
4 Michael M. Markman Pursuant to Fed. R. Civ. P. 56(f) in Opposition to Motion to Dismiss
5 or, in the Alternative, For Summary Judgment by the United States Based on State Secrets
6 Privilege (*see* Dkt. 182, the “Markman Declaration”). Plaintiffs also filed an administrative
7 motion and supporting documents (Dkts. 183-185) that address sealing. Defendant **AT&T**
8 **CORP.** (“AT&T”) hereby responds to plaintiffs’ administrative motion.¹

9 AT&T is not opposed to unsealing most of the Opposition and the Markman
10 Declaration. However, certain information in these documents is confidential and
11 proprietary and it needs to be protected. AT&T has engaged in a meet and confer process
12 with plaintiffs’ counsel and the parties have come to agreement on versions of the Klein
13 declaration (Dkt. 147) and plaintiffs’ preliminary injunction motion (Dkt. 149) that have
14 been publicly filed. The parties are currently engaging in the same process with regard to
15 the Marcus declaration (*see* Dkt. 32). Plaintiffs propose that the parties attempt to reach
16 agreement and create redacted versions of the Opposition and Markman Declaration that
17 can be publicly filed. Dkt. 183, 2:23-25. AT&T agrees and is optimistic that the parties
18 will reach agreement, as they have on the other documents. The parties need time to
19 complete this process. AT&T suggests that the parties be given until Monday, June 19 to
20 reach agreement and file redacted versions, or else file short papers (not to exceed five
21 pages per side) indicating why they cannot agree.

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27 ¹ As stated in AT&T’s June 10 filing (Dkt. 190), AT&T takes no position on the part of the
28 administrative motion regarding the length of Plaintiffs’ 59-page brief. That is the
government’s fight.

