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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 CHRIS CHAVEZ, on behalf of himself  
11 and all others similarly situated,

12 Plaintiff,

13 v.

14 BLUE SKY NATURAL BEVERAGE  
15 CO., et al.,

16 Defendants.  
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Case No.: 06-06609 JSW (JSC)

**ORDER (1) GRANTING  
DEFENDANT'S MOTION TO  
REMOVE AN INCORRECTLY FILED  
DOCUMENT; (2) DENYING  
DEFENDANT'S MOTION TO FILE  
DOCUMENT UNDER SEAL; AND (3)  
DENYING PLAINTIFF'S MOTION  
TO FILE DOCUMENT UNDER SEAL  
(Dkt. Nos. 267, 268, 270.)**

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19 Now pending before the Court are Defendant's motion to remove an incorrectly filed  
20 document (Dkt. No. 267), Defendant's motion to file under seal (Dkt. No. 268), and Plaintiff's  
21 motion to file under seal (Dkt. No. 270).

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23 Defendant's Administrative Motion to Remove Exhibit A to the Declaration of Kate  
24 Webb (Dkt. No. 267) requests that this declaration, filed on May 4, 2011 as Docket Number  
25 266-4, be removed from the CM/ECF system and case file so that the Exhibit may be refiled  
26 without the confidential material. This motion is GRANTED.  
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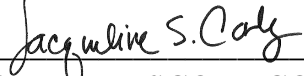
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Defendant’s Motion To File Document Under Seal (Dkt. No. 268) states that “Blue Sky understands that defendants must support or withdraw their designations by submitting a declaration and proposed order to seal within seven (7) days.” As this motion was filed on May 5, 2011 and no such declaration was since filed, this motion is DENIED as moot.

Plaintiff’s Motion To File Document Under Seal (Dkt. No. 270) states that “Plaintiff understands that defendants must support or withdraw their designations by submitting a declaration and proposed order to seal within seven days.” As this motion was filed on May 11, 2011 and no such declaration was since filed, this motion is DENIED as moot.

**IT IS SO ORDERED.**

Dated: October 12, 2011

  
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JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE