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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARD PAUL PARISH, HERBERT
ANTHONY ADDERLEY, and WALTER
ROBERTS III, on behalf of themselves and
all others similarly situated,

No. C 07-00943 WHA

Plaintiffs,

v.

**SUPPLEMENTAL ORDER
RE TX 80 ON
ELECTRONIC ARTS'
MOTION TO REDACT**

NATIONAL FOOTBALL LEAGUE PLAYERS
INCORPORATED d/b/a PLAYERS INC., a
Virginia corporation,

Defendant.

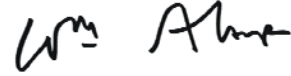
At the outset of today's trial session (before the jury came in), the Court raised the question whether plaintiffs would redact paragraph 6 from TX 80 — even from the version seen by the jury — such that the paragraph would never be relied on or argued to the jury. Class counsel refused this, stating that the paragraph in question in TX 80 was important to their case and that it was important that the jury read the paragraph and that counsel be allowed to rely on it in argument. To be sure, counsel are fully willing to suppress the paragraph in question from the public. The whole point of *Kamakana*, however, is to require the Court to protect the access rights of the public despite the willingness of the parties, which is usual in most cases, to conceal the evidence from the public. For the reasons stated earlier, compelling cause has not been shown to conceal the information from the public (including clearing and sealing off the courtroom when the paragraph is read or shown on the screen) once TX 80 is admitted in

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evidence. In the meantime and until allowed by the Ninth Circuit, TX 80 shall not be made available to the public.

IT IS SO ORDERED.

Dated: October 27, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE