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Attorneys for Plaintiffs STAR NAVIGATION SYSTEMS GROUP LTD. and VIRAF KAPADIA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

STAR NAVIGATION SYSTEMS GROUP LTD.,  
 and VIRAF KAPADIA,

Case No. C 07-4820 MMC

Plaintiffs,

**PLAINTIFFS' NOTICE AND STIPULATED  
 ADMINISTRATIVE MOTION TO REMOVE  
 INCORRECTLY FILED DOCUMENT  
 NUMBERS 122 AND 123; MEMORANDUM  
 IN SUPPORT; ~~PROPOSED~~ ORDER**

v.

AEROMECHANICAL SERVICES LTD.,

Defendant.

Honorable Maxine M. Chesney

Case No. C 07-4820 (MMC)  
 Plaintiffs' Admin. Motion to Remove  
 Incorrectly Filed Documents;  
 Mem. In Support

1 **NOTICE OF STIPLUATED ADMINISTRATIVE MOTION AND MOTION TO REMOVE**  
2 **INCORRECTLY FILED DOCUMENTS 122 AND 123**

3 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

4 PLEASE TAKE NOTICE that Plaintiffs Star Navigation Systems Group LTD and Viraf  
5 Kapadia (collectively Plaintiffs or "Star"), hereby move, pursuant to Civil Local Rules 7-11 and 79-  
6 5(d) for an order to remove purportedly incorrectly filed documents 122 and 123 from the public  
7 docket at Defendant Aeromechanical Services Ltd's ("AMS's") request.

8 On April 28, 2009, Plaintiffs' counsel received AMS's request and, according to the Court's  
9 ECF instructions, contacted the ECF Helpdesk to prevent public access to those documents. The  
10 electronic access to both documents was eliminated upon Plaintiffs' request and both ECF entries  
11 received the public notation "**FILED IN ERROR. DOCUMENT LOCKED. DOCUMENT TO**  
12 **BE REFILED LATER.**" Defense counsel has stipulated to this motion.

13 AMS contends that documents 122 and 123 improperly reveal information in violation of a  
14 confidentiality agreement between the parties. Plaintiffs' counsel does not agree that such  
15 information is improperly revealed, as both documents have been e-filed in redacted form to prevent  
16 disclosure. Nevertheless, upon AMS's request and to avoid further dispute, Plaintiffs make this  
17 stipulated motion.

18 This motion is based on this notice of motion and motion, the accompanying memorandum  
19 in Support, and any other arguments and evidence presented to this Court.

20 **MEMORANDUM IN SUPPORT**

21 On the afternoon of April 24, 2009, in support of their opposition to Defendant  
22 Aeromechanical Services LTD's ("AMS's") Motion for Sanctions and pursuant to Civil Local Rule  
23 79-5(d), Plaintiffs Star Navigation Systems Group LTD and Viraf Kapadia (collectively Plaintiffs or  
24 "Star") lodged with the Court (1) the Confidential version of Plaintiffs' Memorandum in Opposition  
25 to AMS's Motion for Sanctions, and (2) the Confidential Declaration of Daniel P. Albers in  
26 Opposition to AMS's Motion for Sanctions ("Albers Declaration"). *See* D.I. 119. Plaintiffs filed a  
27 concurrent motion to file those confidential documents under seal. (D.I. 119).

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1 In addition, Plaintiffs filed redacted, non-confidential versions of their Memorandum in  
2 Opposition ((D.I. 122) and the Albers Declaration (D.I. 123).

3 On April 28, 2009, AMS informed Plaintiffs' counsel in Chicago, Illinois, that it believed the  
4 filed documents improperly revealed or referenced information precluded from disclosure by the  
5 parties' confidentiality agreement, and requested that Plaintiffs' counsel rectify the situation.

6 According to the Court's ECF instructions, Plaintiffs' local counsel contacted the ECF Helpdesk to  
7 prevent public access to those documents. The electronic access to both documents was  
8 eliminated upon that request and both ECF entries received the public notation "**FILED IN**  
9 **ERROR. DOCUMENT LOCKED. DOCUMENT TO BE REFILED LATER.**"

10 Plaintiffs counsel does not agree that either document 122 or 123 improperly discloses or  
11 references information in violation of the confidentiality agreement. Nevertheless, in reasonable  
12 deference to AMS's request, to avoid any further dispute between the parties, and to facilitate the  
13 consideration of these documents in support of Plaintiffs' Opposition, Plaintiffs request that  
14 Documents 122 and 123 be removed as improperly filed.

15 Plaintiffs will lodge (rather than file) redacted, non-confidential versions of these documents  
16 with the Court to be considered in connection with Plaintiffs' pending Motion to File Documents  
17 Under Seal, filed pursuant to Rule 79-5(d). (D.I. 119). Plaintiffs ask that the Court order those  
18 documents filed in this case.

### 19 **III. CONCLUSION**

20 For all of the foregoing reasons, Plaintiffs respectfully request that Documents 122 and 123  
21 be removed as improperly filed. In addition, Plaintiffs request that the Court order that those  
22 redacted documents be filed pursuant to Civil Local Rule 79-5(d).

1 Dated: April 29, 2009

Respectfully submitted,

2 Daniel P. Albers  
3 John P. Wappel  
4 Christine H. McCarthy  
BARNES & THORNBURG LLP

5 Jeffrey K. Lee, State Bar No. 212465  
6 Kimberly A. Donovan, State Bar No. 160729  
7 GCA LAW PARTNERS LLP

8 By: /s/ Jeffrey K. Lee  
9 Attorneys for Plaintiffs STAR NAVIGATION  
10 SYSTEMS GROUP LTD. and VIRAF  
KAPADIA

11 **SO STIPULATED:**

12 Dated: April 29, 2009

13 Kevin C. McCann (SB# 120874)  
14 Robert M. Masters  
15 Timothy P. Cremen  
16 Bhaskar Kakarla  
PAUL, HASTINGS, JANOFSKY & WALKER LLP

17 By: /s/ Timothy P. Cremen (by permission)  
18 Attorneys for Defendant AEROMECHANICAL  
19 SERVICES LTD.  
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2  
3 **ATTESTATION**

4 I, Jeffrey K. Lee, am counsel for Plaintiffs and the registered ECF user whose username and  
5 password are being used to file the foregoing document. In compliance with General Order 45 X.B,  
6 I hereby attest that the above-identified counsel for Defendant Aeromechanical Services Ltd.,  
7 concurred in this filing.  
8

9 Dated: April 29, 2009

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14 By: /s/ Jeffrey K. Lee

1 PROPOSED ORDER

2  
3 FOR GOOD CAUSE APPEARING, Plaintiffs stipulated motion, pursuant to Civil Local  
4 Rules 7-11 and 79-5(d), for an order to remove purportedly incorrectly filed documents 122 and 123  
5 from the public docket is hereby GRANTED.

6 The following documents are hereby ordered to be removed:

- 7 (1) Document number 122, Non-Confidential version of Plaintiffs' Memorandum in  
8 Opposition to AMS's Motion for Sanctions; and  
9 (2) Document number 123, Non-Confidential version of Declaration of Daniel P.

10 Albers in Opposition to AMS's Motion for Sanctions.

11 IT IS FURTHER ORDERED that plaintiff file in the public record, no later than May 18, 2009,  
12 redacted versions of Plaintiffs' Memorandum in Opposition to AMS's Motion for Sanctions and the  
13 Declaration of Daniel P. Albers.

PURSUANT TO STIPULATION IT IS SO ORDERED.

14  
15 Dated: May 12, 2009

  
16 The Honorable Maxine M. Chesney  
17 United States District Judge