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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION  
 19

20 JAMES BRADY, SARAH CAVANAGH, and  
 21 IVA CHIU, individually and on behalf of all  
 others similarly situated,

22 Plaintiffs,

23 v.

24 DELOITTE & TOUCHE LLP, a limited liability  
 25 partnership; and DOES 1-10, inclusive,

26 Defendants

Case No. C-08-00177-SI

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER TO UNSEAL  
 DECERTIFICATION BRIEFS**

1 Pursuant to Local Rule 7-12, Plaintiffs and Defendant Deloitte & Touche LLP  
2 (“Defendant”), through their respective counsel, submit the following stipulation and [proposed]  
3 order that certain pleadings, as described below, conditionally filed with the Court under seal be  
4 unsealed.

5 WHEREAS, in the course of the discovery Defendant has produced and disclosed  
6 confidential, proprietary, and other private information related to the parties, as well as  
7 Defendant’s clients, designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only”  
8 pursuant to the parties’ Stipulated Protective Order signed by the Court on March 10, 2009, and  
9 filed in the above captioned action on March 11, 2009 (“Designated Produced Materials”), for  
10 which Defendant believes special protection from public disclosure and from use for any purpose  
11 other than prosecuting this litigation would be warranted;

12 WHEREAS, the parties have agreed that material designated as confidential, proprietary,  
13 and other private information related to the parties, as well as Defendant’s clients, may be  
14 included in or discussed in the parties’ filings with respect to Defendant’s Motion for Class  
15 Decertification (“Designated Motion Materials”);

16 WHEREAS, the parties agreed and the Court ordered pursuant to the parties’ stipulations  
17 and proposed orders that Defendant’s Memorandum or Points and Authorities in Support of  
18 Motion for Decertification, Plaintiffs’ Opposition to Defendant’s Motion for Class  
19 Decertification, Defendant’s Reply in Support of Defendant’s Motion for Class Decertification,  
20 and Plaintiffs’ Sur-Reply to Defendant’s Motion for Class Decertification (collectively,  
21 “Decertification Briefs”) be conditionally filed under seal;

22 WHEREAS, the parties agreed that they would meet and confer regarding whether the  
23 documents filed under seal pursuant to said stipulations and orders should remain under seal; and

24 WHEREAS, the parties, having met and conferred, have agreed that the Court may order  
25 the Decertification Briefs filed under seal to be unsealed, without prejudice to either parties’  
26 rights to maintain or not maintain under seal any other briefs or documents filed with the Court  
27 under seal and that said order shall not affect the under-seal status of any other briefs or  
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1 documents filed with the Court under seal, including without limitation any exhibits referred to in  
2 the Decertification Briefs.

3  
4 NOW THEREFORE, the parties hereby stipulate, subject to Court approval, that the following  
5 briefs conditionally filed under seal herein be unsealed:

- 6 1. Memorandum of Points and Authorities in Support of Defendant's Motion for  
7 Class Decertification;
- 8 2. Plaintiffs' Opposition to Defendant's Motion for Class Decertification;
- 9 3. Reply in Support of Defendant's Motion for Class Decertification; and
- 10 4. Plaintiffs' Sur-Reply to Defendant's Motion for Decertification.

11  
12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

13  
14 COUNSEL FOR DEFENDANT  
15 DELOITTE & TOUCHE LLP

16 DATE: September 26, 2011

16 By: /s/ James E. Boddy

17 Linda E. Shostak  
18 James E. Boddy, Jr.  
19 MORRISON & FOERSTER LLP

20 COUNSEL FOR PLAINTIFFS

21 DATE: September 26, 2011

21 By: /s/ William A. Baird

22 William A. Baird  
23 Daria Dub Carlson  
24 Jeffrey K. Compton  
25 MARKUN ZUSMAN & COMPTON, LLP

26 Steven Elster  
27 LAW OFFICE OF STEVEN ELSTER  
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**ECF CERTIFICATION**

I hereby attest that I have obtained concurrence regarding the filing of this document from each of the signatories within the e-filed document.

DATE: September 26, 2011 By: /s/ James E. Boddy  
James E. Boddy

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 9/27/11



Honorable Susan Illston  
United States District Court Judge