

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE CHARLES SCHWAB CORP.  
SECURITIES LITIGATION

Master File No. C-08-01510-WHA

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING  
SCHWAB'S MOTION TO FILE  
UNDER SEAL

Judge: Hon. William H. Alsup

Trial Date: May 10, 2010

1 As set forth below, on April 19, 2010, Schwab filed an administrative motion to seal  
2 certain materials filed in connection with the parties' pre-trial filings ("Administrative Motion").

3 **Schwab's Motion in Limine No. 6 and Taylor Declaration**

4 Schwab's Administrative Motion seeks to seal certain materials filed in connection with  
5 Schwab's Motion In Limine No. 6 Re Evidence of Alleged Mismanagement ("MIL No. 6").  
6 Schwab moved to seal Exhibit G of the Declaration of Kimberly Taylor in support of MIL No. 6,  
7 portions of MIL No. 6 which quote this exhibit, and two sentences that disclose the details of  
8 personnel terminations.

9 In support of its administrative motion to seal, Schwab has filed a declaration attesting to  
10 the confidentiality of these materials which the parties have either redacted or filed under seal in  
11 their entirety.

12 The Court finds that Schwab has an interest in maintaining the confidentiality of non-  
13 public and proprietary business information. The Court finds that individuals have a privacy  
14 interest in the personnel information. The information reflected in Exhibit G to the Taylor  
15 Declaration, the corresponding portions of MIL No. 6, and the two sentences redacted on page  
16 four of the motion are non-public and competitively sensitive to Schwab or contain private  
17 information regarding personnel decisions.

18 It is hereby ordered that exhibit G of the Taylor declaration and the corresponding  
19 portions of MIL No. 6 that have been redacted shall remain SEALED.

20 **Berman Declaration in Opposition to Schwab's MILs and Daubert Motions**

21 Schwab's Administrative Motion also seeks to seal four exhibits filed with Plaintiffs'  
22 Declaration of Steve W. Berman In Opposition to Defendants' Motions In Limine and Daubert  
23 Motions ("Berman Declaration"). Schwab moved to seal Exhibits 1, 3, 4, and 5 of the Berman  
24 Declaration as well as those portions of Plaintiffs' Opposition to Schwab's Motion in Limine  
25 No. 6 Re Evidence of Alleged Mismanagement ("Plaintiffs' Opposition to MIL No. 6") and  
26 Plaintiffs' Opposition to Schwab's Motion In Limine No. 4 to Exclude Evidence of Falsity Based  
27 on Concentration in Corporate Financial Bonds ("Plaintiffs' Opposition to MIL No. 4") which  
28 quote these exhibits.

1 In support of its administrative motion to seal, Schwab has filed a declaration attesting to  
2 the confidentiality of these materials which Schwab has either redacted or filed under seal in their  
3 entirety. The information reflected in Exhibits 1, 3, 4, and 5 to the Berman Declaration, and the  
4 corresponding portions of Plaintiffs' Opposition to MIL No. 4 and Plaintiffs' Opposition to MIL  
5 No. 6 that Schwab has redacted, are non-public and competitively sensitive to Schwab.

6 The Court finds that Schwab has an interest in maintaining the confidentiality of non-  
7 public and proprietary business information.

8 It is hereby ordered that Exhibits 1, 3, 4, and 5 to the Berman Declaration, and the  
9 corresponding redacted portions of Plaintiffs' Opposition to MIL No. 4 and Plaintiffs' Opposition  
10 to MIL No. 6 shall remain SEALED.

#### 11 **Plaintiffs' Opposition to Schwab's Daubert Motions**

12 Schwab's Administrative Motion also seeks to seal information quoted in Plaintiffs'  
13 Opposition to Motion to Exclude Portion of the Testimony of H. Gifford Fong ("Opposition to  
14 Daubert Motion"). The Court has previously sealed this information. In support of its  
15 Administrative Motion, Schwab has filed a declaration attesting to the confidentiality of these  
16 previously sealed materials.

17 The Court finds that Schwab has an interest in maintaining the confidentiality of non-  
18 public and proprietary business information. The information reflected in Plaintiffs' Opposition  
19 to Daubert Motion is non-public and competitively sensitive to Schwab.

20 It is hereby ordered that the previously sealed material quoted in Plaintiffs' Opposition to  
21 Daubert Motion shall remain SEALED.

#### 22 **Plaintiffs' Opposition to Daifotis's Motion in Limine**

23 Schwab's Administrative Motion also seeks to seal material quoted in Plaintiffs'  
24 Opposition to Daifotis' Motion in Limine No. 1 to Exclude Evidence of Statements to the General  
25 Public and Pre-Investment Contact with Moneta Financial and TCI ("Plaintiffs' Opposition to  
26 Daifotis's MIL No. 1").

27 In support of its Administrative Motion, Schwab has filed a declaration attesting to the  
28 confidentiality of these previously sealed materials which the parties have redacted.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Court finds that Schwab has an interest in maintaining the confidentiality of non-public and proprietary business information. The information reflected in Plaintiffs' Opposition Daifotis' MIL No. 1 reflects non-public competitively sensitive information as well as non-public personal information.

It is hereby ordered that the previously sealed material quoted in Plaintiffs' Opposition to Daubert Motion shall remain SEALED.

It is hereby ordered that the redacted portions of Plaintiffs' Opposition to Daifotis's MIL No. 1 shall remain SEALED.

IT IS SO ORDERED.

DATED: April 23, 2010

