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8 Attorneys for Defendant
 DIAMOND FOODS, INC.

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

Winston & Strawn LLP
 101 California Street
 San Francisco, CA 94111-5802

14 ELLIOT ZEISEL, on behalf of himself and all
 others similarly situated,

15 Plaintiffs,

16 v.

17 DIAMOND FOODS, INC., a Delaware
 18 corporation,

19 Defendant.

Case No. 3:10-cv-01192 JSW (EDL)

**~~PROPOSED~~ ORDER RE DEFENDANT
 DIAMOND FOODS, INC.'S
 ADMINISTRATIVE MOTION TO SEAL
 PURSUANT TO CIVIL LOCAL RULES 7-
 11, 79-5(C), 79-5 (D) AND GENERAL
 ORDER 62 EXCERPTS OF DEFENDANT'S
 OPPOSITION TO MOTION FOR CLASS
 CERTIFICATION, EXCERPTS OF
 DECLARATION OF STEVEN NEIL, AND
 DECLARATION OF GORDON RAUSSER,
 PH.D. IN ITS ENTIRETY**

**AND ORDER TO PLAINTIFF TO
 SHOW CAUSE RE SEALING.**

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

1 Having considered: (a) Defendant Diamond Foods, Inc.’s Administrative Motion to Seal
2 Excerpts of Defendant’s Opposition to Motion for Class Certification and Declaration of Gordon
3 Rausser, Ph.D. in its Entirety; (b) the Declaration of Jeffrey S. Bosley in Support of Defendant
4 Diamond Foods, Inc.’s Administrative Motion; (c) the Declaration of James Tropp in Support of
5 Defendant Diamond Foods, Inc.’s Administrative Motion; and (d) the Declaration of Jeff Ngo in
6 Support of Defendant Diamond Foods, Inc.’s Administrative Motion, the Court rules as follows:

7 1. IT IS HEREBY ORDERED that Defendant Diamond Foods, Inc.’s Administrative
8 Motion to Seal is GRANTED. IN PART AND DENIED IN PART AS SET FORTH
9 BELOW

10 2. ~~The entirety of the Declaration of Gordon Rausser, Ph.D. in Support of Defendant’s~~
11 ~~Opposition to Motion for Class Certification (“Rausser Declaration”) shall remain under seal in this~~
12 ~~matter pursuant to Local Rules 7-11 and 79-5 and General Order 62.~~

13 3. Page 1, lines 19-28 of the Declaration of Steven Neil in Support of Diamond’s
14 Opposition to Plaintiff’s Motion for Class Certification (“Neil Declaration”) shall remain under seal
15 in this matter pursuant to Local Rules 7-11 and 79-5 and General Order 62.

16 4. Certain portions of Defendant Diamond Foods, Inc.’s Opposition to Motion for Class
17 Certification (“Opposition”) which cite to the Rausser Declaration shall also remain under seal in
18 this matter pursuant to Local Rules 7-11 and 79-5 and General Order 62.

19 5. Specifically, the portions of the Opposition which cite to the Rausser Declaration and
20 should therefore remain under seal are as follows:

**Citations to specific portions of the record or
declaration are not sealable. The substantive
materials preceding those citations are sealable.**

21 a. ~~Page 1, line 15.~~

22 b. ~~Page 2, line 4.~~

23 c. Page 2, lines 7-9., **except citation.**

24 d. ~~Page 3, line 24, all of Footnote 3.~~

25 e. Page 3, line 28, all of Footnote 6.

26 f. ~~Page 4, line 10.~~

27 g. Page 4, lines 26-27, ~~all of Footnote 6.~~ **except citation.**

28 h. Page 9, lines 20-21. **except citation.**

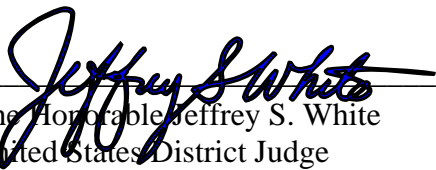
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- i. Page 15, lines 21-26. **except citations.**
- j. Page 16, lines 1-4. **except citations.**
- k. Page 16, lines 25-28. **except citations.**
- l. Page 17, lines 1-2. **except citations.**
- ~~m. Page 17, line 25-26.~~
- ~~n. Page 18, line 18.~~
- o. -Page 18, line 20-21. **bracketed language only - not citations.**
- ~~p. Page 18, line 25, all of Footnote 20.~~
- q. ~~Page 21, lines 13-18.~~ **page 21:14-18 - bracketed language only.**
- ~~r. Page 24, lines 20-21.~~
- s. Page 24, lines 22-26. **except citations.**
- t. Page 25, lines 11-24. **except citations.**

IT IS SO ORDERED.

Dated: May 2, 2011


 The Honorable Jeffrey S. White
 United States District Judge

The Rausser declaration is not sealable in its entirety, because his qualifications, curriculum vitae, and previous testimony are not sealable. Defendant shall resubmit a motion to seal the specific portions of the Rausser Declaration and exhibits that contain sealable material.

Plaintiff is ordered to show cause why the portions of the Defendant's opposition related to his medical condition are sealable. The Court shall not seal the reference in the summary of the argument.

Defendant's revised motion and Plaintiff's response to the Order to Show Cause shall be filed by no later than May 9, 2011.

Defendant shall file redacted versions of its opposition brief by no later than May 9, 2011.