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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

IN RE HULU PRIVACY LITIGATION

No. C 11-03764 LB

ORDER TO FILE UNDER SEAL

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The parties in this putative class action are in the process of briefing their summary judgment and class certification motions. *See* Scheduling Order, ECF No. 122. On October 1, 2013, Hulu filed a summary judgment motion regarding Plaintiffs' "Comscore" and "Facebook 'Like' Button" theories of liability along with several supporting exhibits. *See* ECF No. 125-3 to 125-10. A portion of Hulu's motion and one of the supporting exhibits contain information that Plaintiffs marked Confidential under the parties' stipulated protective order. *See* Schwartz Decl., ECF No. 125-1. Accordingly, Hulu also filed an administrative motion to file under seal. ECF No. 125.

Plaintiffs did not file a declaration in support of Hulu's administrative motion within the time required by Civil Local Rule 79-5. *See generally* Docket. Accordingly, on October 18, 2013, the court denied Hulu's administrative motion to file under seal, stating:

Unless Plaintiffs show good cause and the court intervenes to delay the public docketing as permitted by Local Rule 79-5(e)(2), Hulu may publicly file its summary judgment motion and the attached exhibits no earlier than 4 days and no later than 10 days from the date of this order.

Order, ECF No. 126 at 2.

On October 22, 2013, Plaintiffs' counsel filed a declaration in support of the now-denied motion.

ORDER (C 11-03764 LB)

1 See Parisi Decl. Supp. Admin. Mot., ECF No. 128. Plaintiffs' counsel now asks the court to grant
2 Hulu's motion to seal and to order Hulu to seal additional information – quotations of an
3 individual's Facebook profile ID and a datr cookie. *Id.* at 3 (identifying information by docket,
4 page, and line number). Plaintiffs explain that publicly disclosing this information could allow a
5 member of the public to impersonate the individual in transmissions to Facebook through an exploit
6 known as a "cookie-jacking." *Id.* at 2.

7 Plaintiffs' declaration (though untimely) sufficiently establishes good cause to seal the identified
8 records. Accordingly, the court amends its previous order at ECF No. 126, and GRANTS the
9 administrative motions to file under seal the following portions of Hulu's summary judgment brief
10 and its supporting exhibits:

- 11 a) The proposed redacted portion shown on Dkt. No. 125-3, p. 14 of 26, lines 1-14;
- 12 b) The numeric string at Dkt. No. 125-3, p. 14 of 26, line 17;
- 13 c) The character string at Dkt. No. 125-3, p. 14 of 26, line 18;
- 14 d) The numeric string at Dkt. No. 125-3, p. 15 of 26, line 2;
- 15 e) The character string at Dkt. No. 125-3, p. 15 of 26, line 4;
- 16 f) The numeric string at Dkt. No. 125-3, p. 15 of 26, line 5;
- 17 g) The character string at Dkt. No. 125-3, p. 22 of 26, line 25;
- 18 h) The character string at Dkt. No. 125-3, p. 22 of 26, line 26;
- 19 i) The numeric string at Dkt. No. 125-3, p. 22 of 26, line 25;
- 20 j) The numeric string at Dkt. No. 125-3, p. 22 of 26, line 26; and
- 21 k) The character string at Dkt. No. 125-3, p. 23 of 26, line 15.
- 22 l) Exhibit B to the Declaration of Katherine Robison (Dkt. No. 125-10) under seal.

23 Hulu shall re-file its Notice of Motion and Motion for Summary Judgment, in accordance with
24 this order and Civil Local Rule 79-5.

25 **IT IS SO ORDERED.**

26 Dated: October 24, 2013

27 
28 LAUREL BEELER
United States Magistrate Judge