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

13 JOE QUIRK,

14 Plaintiff,

15 vs.

16 SONY PICTURES ENTERTAINMENT INC.,  
 17 et al.,

18 Defendants.

) Case No. 3:11-CV-03773 RS

) **STIPULATION AND**  
 ) ~~**[PROPOSED]**~~ **ORDER TO**  
 ) **PERMIT PLAINTIFF TO FILE**  
 ) **PORTIONS OF THE THIRD**  
 ) **AMENDED COMPLAINT**  
 ) **UNDER SEAL**

) Trial Date: March 25, 2013

) SAC Filed: November 28, 2011

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**STIPULATION AND ~~[PROPOSED]~~ ORDER TO PERMIT PLAINTIFF TO FILE  
 PORTIONS OF THE THIRD AMENDED COMPLAINT UNDER SEAL;  
 CASE NO. 3:11-CV-03773 RS**

1 Pursuant to Northern District of California Local Rules 7-12 and 79-5, and pursuant  
2 to the Stipulated Protective Order entered by the Court on December 28, 2011, plaintiff Joe  
3 Quirk (“plaintiff”) and defendants Sony Pictures Entertainment Inc. (“Sony”), Columbia  
4 Pictures Industries, Inc. (“Columbia”), Pariah, David Koepp and John Kamps (collectively,  
5 “defendants”) (plaintiff and defendants together, “stipulating parties”), by and through their  
6 undersigned attorneys, hereby stipulate as follows:

7 **STIPULATION**

8 A. WHEREAS, stipulating parties previously agreed that plaintiff would file a  
9 Third Amended Complaint upon receipt of the final screenplay for PREMIUM RUSH  
10 (“Continuity Script”);

11 B. WHEREAS, on December 23, 2011, stipulating parties filed a stipulated  
12 protective order governing the disclosure of the not-yet-released motion picture,  
13 PREMIUM RUSH (“the Picture”), and the Continuity Script;

14 C. WHEREAS, on December 28, 2011, the Court approved and entered the  
15 stipulated protective order, docket number 30, which made it possible to confidentially and  
16 securely screen the Picture and disclose the Continuity Script to plaintiff;

17 D. WHEREAS, under the terms of the Protective Order, stipulating parties are  
18 required to file under seal any documents related to the contents of the Picture or Continuity  
19 Script;

20 E. WHEREAS, plaintiff intends to file a Third Amended Complaint containing  
21 allegations related to the purported contents of the Picture and/or Continuity Script;

22 F. WHEREAS, stipulating parties agree that the following paragraphs, or  
23 portions of paragraphs, of the Third Amended Complaint shall be filed under seal:  
24 Paragraphs 43, 44, 45, 46, 47, 49, 50, 51, 52, 56, 60, 62, 63, 64, 69, 72, 74, 75, 77, 78, 81,  
25 82, 83, 84, 85, 86, 92, 97, 98, 99, 100, 101, 105, 110, 114, 116, 117, 118, 119, 122, 123,  
26 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136 and 137;

1 G. WHEREAS, stipulating parties agree that sections of the following lines shall  
2 be filed under seal: p. 40, lines 1, 13 and 22; page 41, line 5; p. 45, line 15; p. 47, line 8; and  
3 p. 50, lines 6, 11 and 18;

4 H. WHEREAS, plaintiff will lodge with the Court a sealed envelope containing  
5 a copy of the Third Amended Complaint that highlights the sections to be redacted; and

6 I. WHEREAS, stipulating parties certify that the redactions do not include any  
7 material except that which discloses confidential material related to the Continuity Script  
8 and Picture.

9 **IT IS HEREBY STIPULATED:**

10 1. Plaintiff and defendants agree that portions of plaintiff's Third Amended  
11 Complaint shall be filed under seal pursuant to the Stipulated Protective Order entered by  
12 the Court on December 28, 2011;

13 2. Plaintiff and defendants agree that the sections of plaintiff's Third Amended  
14 Complaint set forth in Paragraphs F and G above, shall be filed under seal; and

15 3. Plaintiff and defendants certify that only sections of the Third Amended  
16 Complaint that disclose confidential material related to the Continuity Script and Picture  
17 have been redacted and are to be filed under seal.  
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**IT IS SO STIPULATED.**

Dated: February 23, 2012.

VALLE MAKOFF LLP

By: /s/ Heather Landis  
Heather A. Landis  
Attorneys for Plaintiff

Dated: February 23, 2012.

CALDWELL LESLIE & PROCTOR, PC

By: /s/ Albert Giang  
Albert Giang  
Attorneys for Defendants

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: February 24, 2012

  
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HONORABLE RICHARD SEEBORG  
District Court Judge