

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLE COMPUTER, INC.,

Case No. C-06-05805 SBA (JCS)

Plaintiff(s),

v.

PODFITNESS, INC.,

**ORDER DENYING PLAINTIFF'S
APPLICATION FOR DISCLOSURE OF
THE REDACTED INFORMATION IN
DOCUMENT NUMBER PF001014
[Docket Nos. 112 (redacted)/114 (sealed)]**

Defendant(s).

The Court has received an Application for Disclosure of the Redacted Information in Document Number PF001014 (the "Application"). In the Application, Plaintiff asserts that the attorney-client privilege has been waived with respect to the redacted portions of the identified document. In particular, Plaintiff contends that the record is clear that Dave Malone was present at the meeting reflected in the document and that his presence destroyed the confidentiality of the meeting and waived the attorney-client privilege.

The record before this Court does not support the contention raised in the Application. Defendant has provided evidence that Mr. Malone functioned as an employee of Defendant, or of a joint business venture of Defendant, at the time of the meeting. Accordingly, the Application is DENIED.

IT IS SO ORDERED.

Dated: May 9, 2008


JOSEPH C. SPERO
United States Magistrate Judge