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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE FLASH MEMORY ANTITRUST
LITIGATION

This Document Relates To:
ALL ACTIONS

CASE NO. C07-0086 SBA

**ORDER GRANTING IN PART THE
PARTIES' MOTIONS TO SEAL
DOCUMENTS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

[Docket Nos. 557, 582, 602, 614, 636, 644,
and 669]

1 On July 21, 2009, Direct Purchaser Plaintiff Timothy Chanda filed a Motion to Seal
2 Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt. No. 557], and the Declaration of
3 David Nathan-Allen Simms in Support thereof [Dkt. No. 558]. On July 28, 2009, Defendants
4 submitted a Statement of Non-Opposition to this motion to seal [Dkt. No. 575], and the
5 Declarations of Vincent C. van Panhuys, Scott Nelson, Richard S. Chernicoff, John Kim, and
6 Michael F. Tubach in support thereof [Dkt Nos. 572, 573, 574, 577, and 579, respectively]
7 supporting the sealing of the Motion by Direct Purchaser Plaintiff for Class Certification and
8 Memorandum of Points and Authorities in Support Thereof, and the Declarations of Guido Saveri
9 and Roger G. Noll in support thereof, all of which were filed on July 21, 2009.

10 On July 30, 2009, Indirect Purchaser Plaintiffs filed a Renewed Administrative Motion to
11 Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d), and the Declaration of Qianwei
12 Fu in support thereof [Dkt No. 582]. On August 4, 2009, Defendants submitted the Declarations
13 of Scott Nelson, Vincent C. van Panhuys, Richard S. Chernicoff, Michael F. Tubach, Kyung
14 Whan Kim, and Matthew S. Warren [Dkt Nos. 584, 585, 586, 589, 590, and 591, respectively]
15 supporting the sealing of the [Corrected, Per July 22, 2009 Order] Motion, Memorandum of Points
16 and Authorities in Support of Indirect-Purchaser Plaintiffs' Motion for Class Certification, filed on
17 July 23, 2009, and the Declarations of Janet S. Netz and Judith A. Zahid in support thereof, both
18 of which were filed on July 21, 2009.

19 On September 1, 2009, Defendants filed a Joint Administrative Motion to Seal Documents
20 Pursuant to Civil Local Rules 7-11 and 79-5(c) [Dkt No. 602] and the Declarations of Rianne
21 Rocca, Joseph C. Sarles, Julie Martin, Vincent C. van Panhuys, and Ryan J. Padden in support
22 thereof [Dkt Nos. 603, 605, 606, 607, and 604, respectively]. This motion requests that the Court
23 seal Defendants' Joint Opposition to Direct Purchaser Plaintiff Timothy Chanda's Motion for
24 Class Certification and the Declarations of Linda Brewer, Erik Aldana, Julie A. Martin, Juseon
25 Kim, and Michael C. Keeley in support thereof, and the Proposed Order submitted therewith, all
26 of which were filed on September 1, 2009.

27 On September 3, 2009, Defendants filed a Joint Administrative Motion to Seal Documents
28 Pursuant to Civil Local Rules 7-11 and 79-5(c) [Dkt No. 614] and the Declarations of Ryan J.

1 Padden, Kyle Zipes, Joseph C. Sarles, Chris Hofmann, and Jennifer L. Westbrook in support
2 thereof [Dkt Nos. 615, 616, 618, 619, and 620 respectively]. This motion requests that the Court
3 seal Defendants' Joint Opposition to Indirect Purchaser Plaintiffs' Motion for Class Certification
4 and the Declarations of Charles R. Price, Doug Hauck, Michael C. Keeley, and Michelle Burtis in
5 support thereof, and the Proposed Order submitted therewith, all of which were filed on
6 September 3, 2009. On September 10, 2009, third party Advanced Media, Inc. submitted the
7 Declaration of Harvey Lieu in support of this motion to seal [Dkt No. 623]. On September 11,
8 2009, third party Fry's Electronics, Inc. submitted the Declaration of Alexis J. Curotto in support
9 of this motion to seal [Dkt No. 624]; third party Amazon.com, Inc. submitted the Declarations of
10 Gloria S. Hong and Kathryn Sheehan in support of this motion to seal [Dkt Nos. 625 and 626];
11 third party CDW Corporation submitted the Declaration of Paul Van Lieshout in support of this
12 motion to seal [Dkt No. 627]; and third party Best Buy Enterprise Services, Inc. submitted the
13 Declaration of Jesse M. Calm in support of this motion to seal [Dkt No. 628].

14 On September 22, 2009, Direct Purchaser Plaintiff Timothy Chanda filed an
15 Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt
16 No. 636], and the Declaration of David Nathan-Allen Sims in support thereof [Dkt No. 637]. On
17 September 29, 2009, Defendants submitted the Declarations of Julie Martin, Ryan J. Padden,
18 Diane M. Barker, Vincent C. van Panhuys, and Joseph C. Sarles [Dkt Nos. 649, 651, 653, 656, and
19 665, respectively] supporting the sealing of the Reply Memorandum of Points and Authorities in
20 Support of Direct Purchaser Plaintiffs' Motion for Class Certification ("Reply Memorandum"),
21 the Supplemental Declaration of Guido Saveri in support thereof, and Reply Declaration of Roger
22 G. Noll in support thereof, all of which were filed on September 22, 2009.

23 On September 22, 2009, Indirect Purchaser Plaintiffs filed the Motion to Seal Documents
24 Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt No. 644], and the Declaration of Neil
25 Swartzberg in support thereof. Defendants subsequently filed the Declarations of Diane M.
26 Barker, Ryan Padden, Julie Martin, Vincent van Panhuys, and Joseph C. Sarles [Dkt Nos. 654,
27 652, 650, 655, and 675, respectively] supporting the sealing of the Reply Memorandum of Points
28 and Authorities in Support of Indirect Purchaser Plaintiffs' Motion for Class Certification,

1 Declaration of Neil J. Swartzberg in support thereof, and Reply Declaration of Janet S. Netz in
2 Support of Indirect Purchaser Plaintiffs' Motion for Class Certification, all of which were filed on
3 September 22, 2009.

4 On September 29, 2009, Defendants Samsung Electronics Co., Ltd and Samsung
5 Semiconductor, Inc., submitted an Administrative Motion to Seal Documents Pursuant to Civil
6 Local Rules 7-11 and 79-5(d) [Dkt No. 669], and the Declaration of Joseph C. Sarles in support
7 thereof. This motion to seal requests that the Court seal Defendants' Opposition to Direct
8 Purchaser Plaintiff Timothy Chanda's Revised Motion for Leave to Amend, and the Declaration
9 of Linda Brewer in support thereof, both of which were filed on September 29, 2009.

10 After due consideration of the papers submitted, the Court's previously entered Protective
11 Order, and the Court's file in this matter, and good cause appearing therefore, **IT IS HEREBY**
12 **ORDERED THAT the Motions to Seal are GRANTED IN PART as follows:**

13 1. As to Direct Purchaser Plaintiffs' Motion to Seal Documents Pursuant to Civil
14 Local Rules 7-11 and 79-5(d) [Dkt. No. 557], all documents filed under seal by Direct Purchaser
15 Plaintiffs on July 21, 2009, shall remain under seal, and the Clerk shall place in the public record
16 the following documents:

- 17 (a) the redacted version of Direct Purchaser Plaintiffs' Motion for Class
18 Certification and Memorandum of Points and Authorities in Support
19 Thereof, as attached as Exhibit A to the Declaration of John Kim, filed on
20 July 28, 2009 [Dkt. No. 577];
- 21 (b) the redacted version of the Declaration of Guido Saveri, as lodged by Direct
22 Purchaser Plaintiffs on July 21, 2009 [Dkt No. 555];
- 23 (c) the redacted version of the Declaration of Roger G. Noll, lodged by Direct
24 Purchaser Plaintiffs on July 21, 2009 [Dkt No. 555].

25 2. As to Indirect Purchaser Plaintiffs' Renewed Administrative Motion to Seal
26 Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt No. 582] all documents filed
27 under seal by Indirect Purchaser Plaintiffs on July 21, 23, and 30, 2009 shall remain under seal,
28 and the Clerk shall place in the public record the following documents:

- 1 (a) the redacted version of Indirect Purchaser Plaintiffs' Motion for Class
2 Certification and Memorandum of Points and Authorities in Support
3 Thereof, as attached as Exhibit A to the Declaration of Matthew S. Warren,
4 filed on August 4, 2009 [Dkt. No. 591];
5 (b) the redacted version of the Declaration of Janet Netz, as attached as Exhibit
6 B to the Declaration of Matthew S. Warren, filed on August 4, 2009 [Dkt
7 No. 591];
8 (c) the redacted version of the Declaration of Judith Zahid, as lodged by
9 Indirect Purchaser Plaintiffs on July 21, 2009 [Dkt No. 560-3].

10 3. As to Defendants' Joint Administrative Motion to Seal Documents Pursuant to
11 Civil Local Rules 7-11 and 79-5(c) [Dkt No. 602], all documents filed under seal by Defendants
12 on September 1, 2009 shall remain under seal, and the Clerk shall place in the public record the
13 following documents:

- 14 (a) The redacted version of Defendants' Joint Opposition to Direct Purchaser
15 Plaintiff Timothy Chanda's Motion for Class Certification as lodged by
16 Defendants on September 1, 2009 [Dkt No. 600];
17 (b) The redacted version of the Declaration of Linda Brewer, as lodged by
18 Defendants on September 1, 2009 [Dkt No. 600];
19 (c) The redacted version of the Declaration of Erik Aldana, as lodged by
20 Defendants on September 1, 2009 [Dkt No. 600];
21 (d) The redacted version of the Declaration of Julie A. Martin, as lodged by
22 Defendants on September 1, 2009 [Dkt No. 600];
23 (e) The redacted version of the Declaration of Juseon Kim, as lodged by
24 Defendants on September 1, 2009 [Dkt No. 600];
25 (f) The redacted version of the Declaration of Michael C. Keeley, as lodged by
26 Defendants on September 1, 2009 [Dkt No. 600]; and
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1 (g) The redacted version of the Proposed Order Denying Direct Purchaser
2 Plaintiff Timothy Chanda's Motion for Class Certification, as lodged by
3 Defendants on September 1, 2009 [Dkt No. 600].

4 4. As to Defendants' Joint Administrative Motion to Seal Documents Pursuant to
5 Civil Local Rules 7-11 and 79-5(c) [Dkt No. 614], all documents filed under seal by Defendants
6 on September 3, 2009 shall remain under seal, and the Clerk shall place in the public record the
7 following documents:

- 8 (a) The redacted version of Defendants' Joint Opposition to Indirect Purchaser
9 Plaintiffs' Motion for Class Certification as lodged by Defendants on
10 September 3, 2009 [Dkt No. 617];
- 11 (b) The redacted version of the Declaration of Charles R. Price, as lodged by
12 Defendants on September 3, 2009 [Dkt No. 617];
- 13 (c) The redacted version of the Declaration of Doug Hauck, as lodged by
14 Defendants on September 3, 2009 [Dkt No. 617];
- 15 (d) The redacted version of the Declaration of Michael C. Keeley, as lodged by
16 Defendants on September 3, 2009 [Dkt No. 617];
- 17 (e) The redacted version of the Declaration of Michelle Burtis, as lodged by
18 Defendants on September 3, 2009 [Dkt No. 617]; and
- 19 (f) The redacted version of the Proposed Order Denying Indirect Purchaser
20 Plaintiffs' Motion for Class Certification, as lodged by Defendants on
21 September 3, 2009 [Dkt No. 617].

22 5. As to Direct Purchaser Plaintiff Timothy Chanda's Administrative Motion to Seal
23 Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt No. 636], all documents filed
24 under seal by Direct Purchaser Plaintiffs on September 22, 2009 shall remain under seal, and the
25 Clerk shall place in the public record the following documents:

- 26 (a) the redacted version of the Reply Memorandum of Points and Authorities in
27 Support of Direct Purchaser Plaintiff's Motion for Class Certification, as
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attached as Exhibit A to the Declaration of Joseph C. Sarles, filed on September 29, 2009 [Dkt. No. 665];

- (b) the redacted version of the Supplemental Declaration of Guido Saveri, as lodged by Direct Purchaser Plaintiff Timothy Chanda on September 22, 2009;
- (c) the redacted version of the Reply Declaration of Roger G. Noll, as lodged by Direct Purchaser Plaintiff Timothy Chanda on September 22, 2009.

6. As to Indirect Purchaser Plaintiffs filed the Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt No. 644], all documents filed under seal by Indirect Purchaser Plaintiffs on September 22, 2009 shall remain under seal, and the Clerk shall place in the public record the following documents:

- (a) the redacted version of the Reply Declaration of Janet S. Netz, as attached as Exhibit A to the Declaration of Joseph C. Sarles, filed on September 30, 2009 [Dkt No. 675-1];
- (b) the redacted version of the Declaration of Neil J. Schwartzberg, as lodged by Indirect Purchaser Plaintiffs on September 22, 2009;
- (c) the redacted version of the Reply Declaration of Janet S. Netz, as lodged by Indirect Purchaser Plaintiffs on September 22, 2009.

7. As to Defendants' Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) [Dkt No. 669], all documents filed under seal by Defendants on September 30, 2009 shall remain under seal, and the Clerk shall place in the public record the following documents:

- (a) the redacted version of the Opposition to Direct Purchaser Plaintiff Timothy Chanda's Revised Motion for Leave to Amend, as lodged by Defendants on September 30, 2009;
- (b) the redacted version of the Declaration of Linda Brewer, as lodged by Defendants on September 30, 2009.

