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17 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 18 (OAKLAND DIVISION)

19 KIRK KEILHOLTZ and KOLLEEN  
 20 KEILHOTZ for themselves and on behalf  
 of those similarly situated,

21 Plaintiffs,

22 v.

23 LENNOX INDUSTRIES, INC.; LENNOX  
 24 HEARTH PRODUCTS, INC.; LENNOX  
 INTERNATIONAL, INC., and DOES 1  
 25 through 25, inclusive,

26 Defendants.

NO. 4:08-CV-00836CW

**REVISED [~~PROPOSED~~] ORDER  
 GRANTING JOINT ADMINISTRATIVE  
 MOTION TO SEAL DECLARATION OF  
 ABID KEMAL**

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**Date: January 13, 2011**  
**Time: 2:00 p.m.**  
**Place: Courtroom 2, 4<sup>th</sup> Floor**  
**[Hon. Claudia Wilken]**

**Demand for Jury Trial**  
**Original Complaint Filed: February 6, 2008**


1 The Court has considered the Joint Administrative Motion to Seal the Declaration of Abid  
2 Kemal and the Declaration of Michael S. Pennington in support of sealing Dr. Kemal's  
3 declaration. For reasons set forth below, the Court finds compelling reasons to seal Dr. Kemal's  
4 declaration and therefore GRANTS the joint administrative motion to permanently seal Dr.  
5 Kemal's declaration.  
6

7 Mr. Pennington's declaration sets forth to the Court's satisfaction that LHP would suffer  
8 serious competitive disadvantage if the contents of Dr. Kemal's declaration were publicly filed.  
9 The Kemal declaration contains design specifications which, if copied by LHP's competitors,  
10 would give them a free and unfair head start on LHP. Further, the material set forth in Dr.  
11 Kemal's declaration, including the exhibits thereto, qualifies as a trade secret under California  
12 Civil Code section 3426.1 because it derives independent economic value from not being  
13 generally known to the public or other persons who can obtain economic value from its use, and  
14 it is the subject of efforts reasonable under the circumstances (including but not limited to the  
15 accompanying motion) to maintain its secrecy. The Court also notes that while the parties'  
16 concurrence alone would not furnish a compelling reason to seal, both the plaintiffs and the  
17 defendants support this motion.  
18

19 Therefore, for reasons set forth above, the Court GRANTS the motion to permanently  
20 seal the Declaration of Abid Kemal pursuant to Local Rule 79-5. The Joint Administrative  
21 Motion to Seal the Declaration of Abid Kemal, and Declaration of Michael S. Pennington in  
22 support of sealing Dr. Kemal's Declaration, also filed under seal, are ordered permanently  
23 unsealed.  
24

25 SO ORDERED:

26  
27 Dated: January 7, 2011

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HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA