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 26 SECCION AMARILLA USA

27 **UNITED STATES DISTRICT COURT**
 28 **NORTHERN DISTRICT**
OAKLAND DIVISION

20 MOMENTO, INC.,
 21
 22 Plaintiff,
 23 v.
 24 SECCION AMARILLA USA, CORY SUAZO,
 25 RAFAEL BERRIOS, and DOES 1-50,
 26 Defendants.

Case No. 09-CV-1223 SBA
STIPULATION AND ~~PROPOSED~~
ORDER REGARDING DEFENDANT
SECCION AMARILLA'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL
 Judge: Hon. Sandra Brown Armstrong

1 WHEREAS, on April 3, 2009, Defendant Seccion Amarilla (SAUSA) will file its
2 Opposition To Plaintiff's *Ex Parte* Application For Order For Impound Or, In The Alternative,
3 Order To Preserve Evidence, Temporary Restraining Order, Order To Show Cause Re:
4 Preliminary Injunction ("Opposition"), its Declaration Of Arturo Pellerano In Support Of
5 Defendant Seccion Amarilla USA's Opposition To Plaintiff's *Ex Parte* Application For Order
6 For Impound Or, In The Alternative, Order To Preserve Evidence, Temporary Restraining Order,
7 Order To Show Cause Re: Preliminary Injunction ("Pellerano Declaration"), and of its
8 Declaration of Teresita Nodarse In Support Of Defendant Seccion Amarilla USA's Opposition
9 To Plaintiff's *Ex Parte* Application (Dkt. No. 2) And In Support Of Defendant Seccion
10 Amarilla's Administrative Motion To File Under Seal ("Nodarse Declaration");

11 WHEREAS, portions of paragraphs 4, 6, and 7 of the Pellerano Declaration; Exhibits B
12 and C to the Nodarse Declaration; and portions of the Opposition citing to those and only those
13 paragraphs and exhibits contain competitively sensitive pricing and cost information; and

14 WHEREAS, on April 3, 2009, counsel for Momento, Inc. ("Momento") reviewed the
15 proposed redacted forms of the Pellerano Declaration and the Nodarse Declaration;

16 THEREFORE, it is hereby stipulated and agreed by SAUSA and Momento, through
17 their respective counsel of record, as follows:

18 1) The Opposition, Pellerano Declaration, and Nodarse Declaration are to be filed
19 under seal, with redacted versions omitting only those portions relating to the above-recited
20 competitively sensitive cost and pricing information to be filed electronically;

21 2) The unredacted versions of the Opposition, Pellerano Declaration, and Nodarse
22 Declaration served on Ali Kamarei, undersigned counsel for Momento, shall not be disclosed to
23 any person or entity except for outside counsel of record (which includes the partners, associates,
24 contract attorneys, agents and employees of the outside counsel of record, except for agents or
25 employees who have been retained or employed by outside counsel of record as experts or
26 consultants) for the parties to this action, and shall only be so disclosed to the extent reasonably
27 necessary to render professional services in this action. Unless otherwise expressly provided
28 subsequently through stipulation or order, said outside counsel of record shall include only the

1 law firms of Mayer Brown LLP on behalf of SAUSA and Inhouse Co. on behalf of Momento;

2 3) Paragraph 2 of this stipulation and Order shall remain in effect only until such
3 time as an appropriate Protective Order is entered in the above-captioned case;

4 4) SAUSA, by and through its counsel, agrees not to oppose any motion by
5 Momento for leave to file a reply in support of Plaintiff's *Ex Parte* Application For Order For
6 Impound Or, In The Alternative, Order To Preserve Evidence, Temporary Restraining Order,
7 Order To Show Cause Re: Preliminary Injunction.

8 **IT IS SO STIPULATED.**

9 Dated: April 3, 2009

10 INHOUSE CO.

11 By: /s/ Ali Kamarei
12 Ali Kamarei, Esq.

13 Attorneys for Plaintiff Momento, Inc.

14 Dated: April 3, 2009

15 MAYER BROWN, LLP

16 By: /s/ Richard M. Assmus
17 Richard M. Assmus

18 Attorneys for Defendant Seccion Amarilla,
19 USA

20 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Jason A. Wrubleski hereby
21 attests that the signatories' concurrence in the filing of this document has been obtained.*

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

23 Dated: April 8, 2009

24 By: *Saundra B. Armstrong*
25 Hon. Saundra Brown Armstrong
26 United States District Judge