

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 RAINBOW BUSINESS SOLUTIONS, doing
5 business as PRECISION TUNE AUTO
6 CARE; DIETZ TOWING, INC.; THE
7 ROSE DRESS, INC.; VOLKER VON
8 GLASENAPP; JERRY SU; VERENA
9 BAUMGARTNER; TERRY JORDAN; ERIN
10 CAMPBELL; and LEWIS BAE,

11 Plaintiffs,

12 v.

13 MERCHANT SERVICES, INC.; NATIONAL
14 PAYMENT PROCESSING; UNIVERSAL
15 MERCHANT SERVICES LLC; UNIVERSAL
16 CARD, INC.; JASON MOORE; NATHAN
17 JURCZYK; ROBERT PARISI; ERIC
18 MADURA; FIONA WALSH; ALICYN ROY;
19 MBF LEASING LLC; NORTHERN
20 FUNDING, LLC; NORTHERN LEASING
21 SYSTEMS, INC.; JAY COHEN; LEONARD
22 MEZEI; SARA KRIEGER; SAM BUONO;
23 and SKS ASSOCIATES, LLC,

24 Defendants.

No. C 10-1993 CW

ORDER RESOLVING
MOTIONS TO SEAL
RELATED TO
PLAINTIFFS' MOTION
FOR CLASS
CERTIFICATION
(Docket Nos. 385,
431, 458 and 478)

United States District Court
For the Northern District of California

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The parties have filed several motions to seal documents associated with Plaintiffs' pending amended motion for class certification, including portions of the motion itself, Plaintiffs' reply brief, Plaintiffs' evidence in support of their motion and reply brief and Leasing Defendants' exhibits in support of their opposition.¹ Docket Nos. 385, 431, 458 and 478. A number of declarations have been submitted in support of the

¹ The Court directs the Clerk of the Court to update the caption of this action as indicated above.

1 motions to seal. See Docket Nos. 411, 415, 416, 419, 420, 422-24,
2 458-1, 483, 485.

3 Because the public interest favors filing all court documents
4 in the public record, any party seeking to file a document under
5 seal in connection with a non-dispositive motion must demonstrate
6 good cause to do so. Pintos v. Pac. Creditors Ass'n, 605 F.3d
7 665, 678 (9th Cir. 2010).² This cannot be established simply by
8 showing that the document is subject to a protective order or by
9 stating in general terms that the material is considered to be
10 confidential, but rather must be supported by a sworn declaration
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13 ² If the motion is dispositive, the Ninth Circuit requires
14 that the party seeking to seal records meet a more stringent
15 "compelling reasons" standard. See Kamakana v. City & Cnty. of
16 Honolulu, 447 F.3d 1172, 1178-81 (9th Cir. 2006). The Ninth
17 Circuit has not yet addressed whether, or under what
18 circumstances, a motion for class certification is a dispositive
19 motion for the purposes of determining whether the "good cause" or
20 "compelling reasons" standard applies to motions to seal, and
21 courts within the Northern District of California have reached
22 different conclusions. Compare Nygren v. Hewlett-Packard Co.,
23 2010 WL 2107434, at *1-3 (N.D. Cal.) (applying good cause
24 standard); Pecover v. Electronic Arts, Inc., 2010 WL 8742757, at
25 *25-26 (N.D. Cal.) (same); Rich v. Hewlett-Packard Co., 2009 WL
26 2168688, at *1-2 (N.D. Cal.) (same), with Labrador v. Seattle
27 Mortgage Co., 2010 WL 3448523, at *2 (N.D. Cal.) (finding that
28 "many of the concerns the Ninth Circuit identified in Kamakana for
applying the 'compelling reasons' test to dispositive motions are
present" in the context of a motion for class certification); see
also Davis v. Devanlay Retail Group, Inc., 2012 U.S. Dist. LEXIS
109798, at *4 (E.D. Cal.) (applying compelling reasons standard
when the motion for class certification "is one that will affect
whether or not the litigation proceeds"); Dugan v. Lloyds TSB
Bank, PLC, 2013 U.S. Dist. LEXIS 51162 (N.D. Cal.) ("Unless the
denial of a motion for class certification would constitute the
death knell of a case, 'the vast majority of [] courts within this
circuit' treat motions for class certification as non-dispositive
motions to which the 'good cause' sealing standard applies.")
(quoting In re High-Tech Empl. Antitrust Litig., 2013 U.S. Dist.
LEXIS 6606, at *8-9 & n.1 (N.D. Cal.)) (brackets in original)).
Here, because it is not clear whether denial of the motion for
class certification would be case-dispositive, the Court considers
the motions to seal under both standards.

1 demonstrating with particularity the need to file each document
2 under seal. Civil Local Rule 79-5(a). If a document has been
3 designated as confidential by another party, that party must file
4 a declaration establishing that the document is sealable. Civil
5 Local Rule 79-5(d).

6 No party or non-party has submitted a declaration in support
7 of sealing any portion of Plaintiffs' reply brief and leave to
8 file the unredacted reply brief under seal is thus denied.
9 However, a sufficient showing has been made to support the sealing
10 of portions of Plaintiffs' amended motion for class certification,
11 their evidence in support of that motion and their reply brief,
12 and Leasing Defendants' evidence in support of their opposition.
13 These portions are identified in tables below, along with a
14 numerical code that indicates the reason that each section has
15 been found to be sealable or not and grants permission to file the
16 identified sections under seal, as set forth in the tables.
17 Further, in the exhibits marked with an asterisk (*), Plaintiffs
18 are directed to redact social security numbers, taxpayer
19 identification numbers and financial account numbers in compliance
20 with Federal Rule of Civil Procedure 5.2(a), as well as any
21 residential addresses, personal telephone numbers and personal
22 email addresses; Plaintiffs need not file an unredacted version of
23 these documents under seal.

24 Within two weeks of the date of this Order, the parties shall
25 file under seal the documents for which leave is granted herein
26 and shall file in the public record those for which leave to seal
27 is denied. As part of this filing, Plaintiffs shall file new
28 public versions of their motion and reply brief that comply with

1 the terms of this Order.³ The Court notes that Plaintiffs have
2 filed some, but not all, of the exhibits that they did not seek to
3 seal in the public record, in two large PDF files. See Docket
4 Nos. 387-1, 479-1. So that their exhibits can be located in the
5 docket more easily in the future, the Court directs Plaintiffs to
6 e-file, within fourteen days of the date of this Order, the
7 declarations of Kristen Simplicio in support of their motion for
8 class certification and reply brief again, with all exhibits
9 attached as separate PDF files, labeled with the exhibit letter in
10 the Description field.

11 In addition, the chambers copies of the exhibits attached to
12 the Simplicio declarations that Plaintiffs provided consist of
13 over a hundred loose exhibits not bound together. Accordingly,
14 within fourteen days of the date of this Order, Plaintiffs shall
15 also provide an additional set of chambers copies of their
16 exhibits in support of their motion and reply, firmly bound
17 together in binders, separated by exhibit dividers. Plaintiffs
18 shall include at the front of the binders a copy of the complete
19 declarations of Ms. Simplicio, in which the exhibits are
20 identified.

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24 ³ The Court DIRECTS the Clerk to remove Docket No. 432 from
25 the public record. This docket entry contains Plaintiffs'
26 redacted amended class certification motion. In the document,
27 Plaintiffs failed to redact properly a portion of the motion that
28 Merchant Services Defendants had designated as confidential and
that the Court grants permission to seal in this Order. See
Docket No. 432, 15:14-18.

1 The numerical codes have the meanings set forth in the
2 following table:

<u>Code</u>	<u>Explanation</u>
1	No party or non-party has submitted a declaration supporting that this information is sealable or the party that designated the information as confidential has waived this.
2	The designating party has not made a sufficient showing that the information at issue is sealable under either a good cause or compelling reason standard.
3	The designating party has shown that this exhibit is sealable in its entirety under both a good cause and a compelling reason standard because it is an audio file that contains personally identifiable information of individuals, including, for example, their social security numbers and account numbers, which cannot be redacted.
4	The designating party has shown that this exhibit or portion thereof is sealable under either standard because it contains particular information about the party's contractual agreements, including items such as pricing arrangements and the acquisition cost of leases, the public disclosure of which would impede its ability to negotiate with business partners and to stay competitive in the marketplace.
5	The designating party has shown that this exhibit or portion thereof is sealable under either standard. It contains information about particular internal business practices of the designating party that it has dedicated substantial resources to developing. Public disclosure of this information would allow its competitors to copy or adopt these practices, taking the benefit of its investment in developing them and reducing or eliminating the competitive advantage that this information provides the designating party.
6	The designating party has shown that this exhibit or portion thereof is sealable under either standard. It contains information about the amount of compensation earned by its employees or independent contractors. In addition, the exhibit contains information about the designating party's compensation structure for its employees or independent contractors, the public disclosure of which would give its rivals a competitive advantage over it.

1	<u>Code</u>	<u>Explanation</u>
2	7	The designating party has shown that this exhibit or portion thereof is sealable under either standard. It contains information about compensation paid to the designating party by its service providers. The designating party has shown that public disclosure of this information would provide insight into its pricing arrangements, business model and strategies, which its competitors could utilize to gain a competitive advantage over it.
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7	8	These exhibits are credit reports that contain personal banking information for Plaintiffs Volker Van Glasenapp and Lewis Bae. Plaintiffs have shown that these exhibits, other than the portions that contain the names of Plaintiffs Volker Van Glasenapp and Lewis Bae and the inquiries and entries made by Defendants, are sealable because public disclosure of the information would violate the privacy rights of these Plaintiffs and put them at significant risk for identity theft and bank fraud.
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13 Plaintiffs' amended motion for class certification:

14	<u>Page</u>	<u>Lines</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
15	6	19-23	Leasing Defendants		X (1)	
16						
17	6	27-28	Leasing Defendants		X (1)	
18						
19	7	1-3	Leasing Defendants		X (1)	
20	7	22-24	Merchant Services Defendants	X (4)		
21						
22	8	3-4	Leasing Defendants and Merchant Services Defendants	X (6) as to compensation amount on line 3 only	X (1) as to remainder	
23						
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United States District Court
For the Northern District of California

1	<u>Page</u>	<u>Lines</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	8	5-8	Leasing Defendants and Merchant Services Defendants		X (2)	
3						
4						
5						
6	10	13-17, 21-23	Merchant Services Defendants		X (2)	
7						
8	11	1	Merchant Services Defendants		X (2)	
9						
10	12	7-12	Merchant Services Defendants		X (2)	Although the Court finds below that there is good cause to seal some portions of the exhibits cited, Defendants have not shown good cause that the statements in the motion should be sealed.
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18	14	20-22	Merchant Services Defendants	X (5) as to the sentence on lines 21-22, ending with a citation to Ex. HHH	X (2) as to the clause on lines 20-21, ending with a citation to Ex. GGG	The same information in lines 20 to 21 also appear in Plaintiffs' reply brief, where Defendants do not seek to seal it.
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23	15	14-18	Merchant Services Defendants	X (5)		
24						
25	15	26-27	Merchant Services Defendants		X (1)	
26						
27						
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Page	Lines	Designating Party	Granted	Denied	Notes
16	17-20	Merchant Services Defendants	X (5)		
20	16-19	Leasing Defendants		X (1)	
24	6-7	Leasing Defendants		X (1)	
24	9-10	Leasing Defendants		X (1)	
29	7-12	Leasing Defendants and Merchant Services Defendants		X (1, 2)	
34	1	Leasing Defendants		X (1)	
44	5-6	Leasing Defendants		X (1)	

Plaintiffs' exhibits in support of their motion for class certification:

Document	Designating Party	Granted	Denied	Notes
Sands Decl. ¶ 8	Merchant Services Defendants; Leasing Defendants	X (4) as to the dollar amount on line 27	X (2) as to the remainder	Defendants do not provide sufficiently good cause for sealing the number of leases that appears on line 26.
Sands Decl. ¶ 9	Merchant Services Defendants; Leasing Defendants	X (4) as to the dollar amount on line 7	X (2) as to the remainder	Defendants do not provide sufficiently good cause for sealing the number of leases that appears on line 6.
Sands Decl. ¶ 10	Leasing Defendants		X (2)	

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Sands	Leasing		X (2)	
3	Decl. ¶ 11	Defendants			
4	Ex. A			X (1)	
5	Ex. B	Leasing	X (4) as to	X (1, 2)	
6		Defendants	65-69, 258:2-16, 280-81	as to remainder	
7					
8	Ex. C			X (1)	
9	Ex. D	Merchant	X (5) as to	X (1) as	
10		Services	pages	to	
		Defendants	473:16- 498:25	remainder	
11	Ex. E	Leasing	X (4) as to	X (1, 2)	Leasing Defendants
12		Defendants	field	as to	seek to prevent
13			labeled	remainder	public disclosure of
14			"Acquisition		a field called
			Cost"		"equipment basis";
					however, no such
					field exists.
15	Ex. F	Leasing	X (4) as to	X (1) as	
16		Defendants	41:2-42:20	to	
				remainder	
17	Ex. G	Merchant	X (4) as to	X (1, 2)	
18		Services	sections 2,	as to	
19		Defendants; Leasing	3 and 9	remainder	
		Defendants			
20	Ex. H	Merchant	X (4) as to	X (2) as	
21		Services	section 1	to	
22		Defendants; Leasing		remainder	
		Defendants			
23	Ex. I *			X (1)	
24	Ex. J *			X (1)	
25	Ex. K *			X (1)	
26	Ex. L *			X (1)	

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United States District Court
For the Northern District of California

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. M				Plaintiffs state that this exhibit was intentionally omitted.
3					
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5	Ex. N	Leasing Defendants	X (4)		
6	Ex. O	Leasing Defendants	X (4) as to sections 2, 3 and 9	X (2) as to remainder	
7					
8	Ex. P	Leasing Defendants		X (2)	Exhibit P does not contain "excerpts from the vendor agreements" (Exhibits G and H) as represented by Leasing Defendants, Krieger Decl. ¶ 12, and instead is an email chain dated March 6, 2008 involving complaints made about Leasing Defendants.
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16	Ex. Q	Merchant Services Defendants	X (4)		
17	Ex. R	Merchant Services Defendants		X (1)	
18					
19	Ex. S	Merchant Services Defendants		X (1)	
20					
21	Ex. T				Plaintiffs state that this exhibit was intentionally omitted.
22					
23	Ex. U			X (1)	
24	Ex. V *	Merchant Services Defendants		X (1)	
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1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. W *	Plaintiffs		X (1)	Plaintiffs shall also redact account balances and withdrawals for expenses unrelated to the instant litigation. Plaintiffs need not file an unredacted version under seal.
3					
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8	Ex. X	Merchant Services Defendants		X (1)	
9					
10	Ex. Y *	Merchant Services Defendants; Leasing Defendants	X (6) as to the compensation amount	X (1) as to remainder	
11					
12					
13	Ex. Z	Non-parties Visa and MasterCard		X (1)	
14					
15	Ex. AA	Merchant Services Defendants	X (4, 7) as to sections 3(b), 5, 15, 17(a), 17(c)-(d), 17(f)	X (2) as to remainder	
16					
17					
18	Ex. BB	Merchant Services Defendants	X (4, 7) as to sections 2.2, 4.2, 5.2, 8.1(a), 10.4(a) and Exhibit A	X (2) as to remainder	
19					
20					
21	Ex. CC	Non-party MasterCard		X (1)	
22					
23	Ex. DD	Non-party MasterCard		X (1)	
24					
25	Ex. EE	Merchant Services Defendants		X (1)	
26					
27	Ex. FF	Merchant Services Defendants	X (5)		
28					
28	Ex. GG	Merchant Services Defendants	X (5)		

United States District Court
For the Northern District of California

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. HH	Merchant Services Defendants		X (1)	
3					
4	Ex. II			X (1)	
5	Ex. JJ	Merchant Services Defendants		X (2)	
6					
7	Ex. KK	Merchant Services Defendants	X (5) as to pages 194:1-199:25	X (1) as to remainder	
8					
9	Ex. LL	Merchant Services Defendants			Although Plaintiffs indicate that Merchant Services Defendants designated Exhibit LL as confidential, no Exhibit LL was included in the chambers copies provided to the Court.
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15	Ex. MM	Merchant Services Defendants	X (5)		
16					
17	Ex. NN	Merchant Services Defendants	X (5) as to the emails sent on May 13, 2008	X (2) as to the emails sent on May 14, 2008	
18					
19					
20	Ex. OO	Merchant Services Defendants	X (5) as to unnumbered pages	X (1) as to page MSI 088057	
21					
22	Ex. PP *	Merchant Services Defendants		X (1)	
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1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. QQ	Fiona Walshe; Merchant Services Defendants	X (6) as to section entitled "Merchant Account Deal Minimums" and Schedules A, B and C	X (1, 2) as to remainder	
3					
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7	Ex. RR	Merchant Services Defendants	X (6) as to section 1	X (1) as to remainder	
8					
9					
10	Ex. SS	Merchant Services Defendants	X (6) as to email sent at 12:36 p.m.	X (1) as to remainder	
11					
12	Ex. TT	Merchant Services Defendants		X (2)	
13					
14	Ex. UU	Merchant Services Defendants		X (2)	
15					
16	Ex. VV	Merchant Services Defendants	X (5)		
17					
18	Ex. WW	Merchant Services Defendants	X (5)		
19					
20	Ex. XX	Merchant Services Defendants		X (1)	
21					
22	Ex. YY	Merchant Services Defendants		X (1)	
23					
24	Ex. ZZ	Merchant Services Defendants			Although Plaintiffs indicate that Merchant Services Defendants designated this exhibit as confidential, no Exhibit ZZ was included in the chambers copies provided to the Court.
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United States District Court
For the Northern District of California

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. AAA			X (1)	
3	Ex. BBB	Merchant		X (1)	
4		Services			
5		Defendants			
6	Ex. CCC	Merchant		X (1)	
7		Services			
8	Ex. DDD			X (1)	
9	Ex. EEE	Fiona	X (5)		
10		Walshe;			
11		Merchant			
12		Services			
13		Defendants			
14	Ex. FFF	Merchant	X (5)		
15		Services			
16		Defendants			
17	Ex. GGG	Merchant	X (5)		
18		Services			
19		Defendants			
20	Ex. HHH	Merchant	X (5) as to	X (1) as	
21		Services	the emails	to	
22		Defendants	sent on	remainder	
23			January 17,		
24			2007		
25	Ex. III	Merchant		X (1)	
26		Services			
27		Defendants			
28	Ex. JJJ	Merchant	X (5)		
		Services			
		Defendants			
	Ex. KKK	Merchant		X (1)	
		Services			
		Defendants			
	Ex. LLL	Nonparty		X (1)	
		Transfirst			
	Ex. MMM			X (1)	
	Ex. NNN	Merchant		X (1)	
		Services			
		Defendants			

United States District Court
For the Northern District of California

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<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
Ex. 000				Plaintiffs indicate that Exhibit 000 was intentionally left blank. <u>See, e.g.,</u> Docket No. 420, 7. They appear to have inadvertently included an Exhibit 000 in their chambers copy, a single page that is Bates numbered MSI 115783. Because Plaintiffs appear not to have included this Exhibit 000 intentionally or to have provided it to Defendants, <u>see</u> Docket No. 424, 13, the Court disregards it.
Ex. PPP			X (1)	
Ex. QQQ	Leasing Defendants		X (2)	Exhibit QQQ does not contain "excerpts from the vendor agreements" (Exhibits G and H) as represented by Leasing Defendants. Krieger Decl. ¶ 12.
Ex. RRR	Leasing Defendants		X (1)	
Ex. SSS	Leasing Defendants		X (1)	
Ex. TTT			X (1)	

United States District Court
For the Northern District of California

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<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
Ex. UUU *	Leasing Defendants		X (1, 2)	Leasing Defendants have made only conclusory assertions that the "transaction profiles (monetary thresholds)" and Wells Fargo Bank, N.A.'s routing number are confidential and should be protected from public view, which is insufficient under either legal standard.
Ex. VVV			X (1)	
Ex. WWW *			X (1)	
Ex. XXX	Leasing Defendants		X (2)	Leasing Defendants make only conclusory statements that the information contained on page MPB00032 is "highly confidential and is typically only shared among Northern's accounting and finance department and the ACH processor." Krieger Decl. ¶ 14. This is insufficient under either legal standard.
Ex. YYY	Leasing Defendants		X (1, 2)	Leasing Defendants assert that pages 15 and 20 should be sealed but fail to provide any reason for this.
Ex. ZZZ	Leasing Defendants		X (1)	

United States District Court
For the Northern District of California

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. AAAA	Leasing Defendants		X (1)	
3	Ex. BBBB	Leasing Defendants		X (1)	
4	Ex. CCCC			X (1)	
5	Ex. DDDD			X (1)	
6	Ex. EEEE			X (1)	
7	Ex. FFFF	Merchant Services Defendants		X (1)	
8	Ex. GGGG			X (1)	
9	Ex. HHHH			X (1)	
10	Ex. IIII			X (1)	
11	Ex. JJJJ			X (1)	
12	Ex. KKKK			X (1)	
13	Ex. LLLL			X (1)	
14	Ex. MMMM			X (1)	
15	Ex. NNNN	Plaintiffs		X (1)	
16	* Ex. OOOO			X (1)	
17	Ex. PPPP	Plaintiffs		X (1)	Plaintiffs shall also redact account balances and withdrawals for expenses unrelated to the instant litigation. Plaintiffs need not file an unredacted version under seal.
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United States District Court
For the Northern District of California

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. QQQQ *	Plaintiffs		X (1)	Plaintiffs shall also redact account balances and withdrawals for expenses unrelated to the instant litigation. Plaintiffs need not file an unredacted version under seal.
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8	Ex. RRRR *	Plaintiffs		X (1)	Plaintiffs shall also redact account balances and withdrawals for expenses unrelated to the instant litigation. Plaintiffs need not file an unredacted version under seal.
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13	Ex. SSSS *	Nonparty Transfirst		X (1)	
14					
15					
16	Ex. TTTT *			X (1)	
17					
18	Ex. UUUU *			X (1)	
19					
20	Ex. VVVV	Plaintiffs	X (8)		Plaintiffs shall file a redacted version of this exhibit in the public docket as proposed.
21					
22					
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25	Ex. WWWW *	Plaintiffs		X (1)	Plaintiffs seek to seal the amounts on the checks unrelated to this litigation, as well as the bank account information. Plaintiffs shall redact this information and need not file an unredacted version under seal.
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30	Ex. XXXX			X (1)	
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United States District Court
For the Northern District of California

1	<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
2	Ex. YYYY	Plaintiffs	X (8)		Plaintiffs shall file a redacted version of this exhibit in the public docket as proposed.
3					
4					
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6	Ex. ZZZZ			X (1)	
7	Ex. AAAAA			X (1)	
8	Ex. BBBB	Leasing Defendants	X (4) as to field labeled "Acquisition Cost"	X (1, 2) as to remainder	Leasing Defendants also seek to prevent public disclosure of a field called "equipment basis"; however, no such field exists.
9					
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12	Ex. CCCCC *	Non-Party Experian; Merchant Services Defendants		X (1, 2)	Experian has not offered good cause or compelling reasons to file the entirety of this document under seal. Merchant Services Defendants, including Defendant Moore, have waived any possible privacy interest in the information, other than Moore's social security number, home address and telephone number, which the Court has directed be redacted, and Experian has not demonstrated sufficiently that disclosure would allow its competitors to compete unfairly with it.
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27	Ex. DDDDD			X (1)	
28					

<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
Ex. EEEE			X (1)	
Ex. FFFF			X (1)	
Ex. GGGG			X (1)	

Leasing Defendants' exhibits in support of their opposition to Plaintiffs' motion for class certification

<u>Document</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
Ex. 24	Leasing Defendants	X (3)		
Ex. 25	Leasing Defendants	X (3)		
Ex. 26	Leasing Defendants	X (3)		
Ex. 27	Leasing Defendants	X (3)		
Ex. 28	Leasing Defendants	X (3)		
Ex. 29	Leasing Defendants	X (3)		

Plaintiffs' exhibits in support of their reply brief

<u>Exhibit</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
HHHHH	Merchant Services Defendants		X (1)	
IIIII			X (1)	
JJJJJ			X (1)	
KKKKK			X (1)	
LLLLL			X (1)	
MMMMM			X (1)	
NNNNN	Leasing Defendants and Merchant Services Defendants	X (7) as to pages 253:11 through 255:25	X (1) as to remainder	
OOOOO			X (1)	

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<u>Exhibit</u>	<u>Designating Party</u>	<u>Granted</u>	<u>Denied</u>	<u>Notes</u>
PPPPP			X (1)	
QQQQQ			X (1)	

IT IS SO ORDERED.

Dated: 5/10/2013



CLAUDIA WILKEN
United States District Judge