

1 DANNY WEI WAN #168323  
 1 PORT ATTORNEY  
 2 DONNELL CHOY #85458  
 2 DEPUTY PORT ATTORNEY  
 3 PORT OF OAKLAND  
 3 530 Water Street, 4<sup>th</sup> Floor  
 4 Oakland, California 94607  
 4 Telephone: (510) 627-1346

5  
 6 RICHARD T. WHITE #58622  
 6 J. BRITTAIN HABEGGER #57192  
 7 FITZGERALD ABBOTT & BEARDSLEY LLP  
 7 1221 Broadway, 21<sup>st</sup> Floor  
 8 Oakland, California 94612  
 8 Telephone: (510) 451-3300  
 9 Facsimile: (510) 451-1527  
 9 Email: rwhite@fablaw.com; bhabegger@fablaw.com

10 Attorneys for Plaintiff City of Oakland,  
 11 A Municipal Corporation, Acting By and  
 11 Through Its Board of Port Commissioners

12 UNITED STATES DISTRICT COURT  
 13  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 CITY OF OAKLAND, a Municipal  
 15 Corporation, Acting By and Through Its  
 16 Board of Port Commissioners

16 Plaintiff,

17 vs.

18 SSA TERMINALS, LLC, SSA TERMINALS  
 19 (OAKLAND), LLC and DOES 1 through 50,  
 20 inclusive,

21 Defendant.

22 SSA TERMINALS, LLC; SSA TERMINALS  
 22 (OAKLAND), LLC,

23 Counterclaimants,

24 vs.

25 CITY OF OAKLAND and Does 1 through 10,

26 Counter-Defendants.

CASE NO.: C11-01446 YGR

**STIPULATION TO REMOVE EXHIBITS  
 C AND E TO THE WHITE  
 DECLARATION FROM THE PUBLIC  
 DOCKET, AND ~~PROPOSED~~ ORDER**

27 1.

28 STIPULATION TO REMOVE EXHIBITS C AND E TO THE WHITE DECLARATION  
 FROM THE PUBLIC DOCKET, AND ~~PROPOSED~~ ORDER CASE NO.: C11-01446  
 YGR

1 Plaintiff and Counter-Defendant City of Oakland, a Municipal Corporation, Acting  
2 By and Through its Board of Port Commissioners (the "Port"), and Defendants and  
3 Counter-Claimants SSA Terminals, LLC, and SSA Terminals (Oakland), LLC ("SSAT")  
4 hereby stipulate as follows:

5 WHEREAS SSAT has designated the documents attached as Exhibits C and E to  
6 the Declaration of Richard T. White in Support of Plaintiff and Counterdefendant's  
7 Motions in Limine 1-5 ("White Declaration") (Docket No. 142) as "Highly Confidential"  
8 and "Attorney's Eyes Only", pursuant to the Protective Order in this case;

9 WHEREAS on April 12, 2013, the Port inadvertently filed Exhibits C and E to the  
10 White Declaration in the Court's docket, which is open to public view;

11 WHEREAS on April 15, 2013, the Port filed its Administrative Motion to File  
12 Under Seal (Docket No. 147) as to Exhibits C and E to the White Declaration;

13 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES that  
14 Exhibits C and E to the White Declaration be removed from the Court's docket, pending  
15 the Court's ruling on the Administrative Motion to File Under Seal.

16  
17 Respectfully,

18 Dated: April \_\_\_\_, 2013

FITZGERALD ABBOTT & BEARDSLEY LLP

19 By \_\_\_\_\_

20 Richard T. White  
21 Attorneys for Plaintiff and Counter-Defendant

22 Dated: April \_\_\_\_, 2013

RUSSELL, MIRKOVICH & MORROW

23 By \_\_\_\_\_

24 Joseph N. Mirkovich  
25 Attorneys for Defendants and Counterclaimants  
26 SSA Terminals, LLC and SSA Terminals  
(Oakland), LLC

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28 2.

STIPULATION TO REMOVE EXHIBITS C AND E TO THE WHITE DECLARATION  
FROM THE PUBLIC DOCKET, AND ~~PROPOSED~~ ORDER CASE NO.: C11-01446  
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**ORDER**

The parties' request is **DENIED** to the extent that docket entries cannot be "removed" from the Court's docket. The Court understands the documents at issue have already been locked at the request of the parties, such that they are not publicly-available. These documents may remain locked pending the outcome of the related motion to seal.

This Order terminates Dkt. No. 149.

**IT IS SO ORDERED.**

Dated: April 17, 2013

  
\_\_\_\_\_  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**

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3.  
STIPULATION TO REMOVE EXHIBITS C AND E TO THE WHITE DECLARATION FROM THE PUBLIC DOCKET, AND ~~PROPOSED~~ ORDER CASE NO.: C11-01446  
YGR