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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 Michael D. Braun (167416)
2 BRAUN LAW GROUP, P.C.
3 12400 Wilshire Boulevard
4 Suite 920
5 Los Angeles, CA 90025
6 Tel: (310) 442-7755
7 Fax: (310) 442-7756
8 E-mail: service@braunlawgroup.com

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

6 Roy A. Katriel (*Admitted Pro Hac Vice*)
7 THE KATRIEL LAW FIRM, P.C.
8 1101 30th Street, NW
9 Suite 500
10 Washington, DC 20007
11 Tel: (202) 625-4342
12 Fax: (202) 625-6774
13 E-mail: rak@katriellaw.com

Brian P. Murray
Jacqueline Sailer
MURRAY, FRANK & SAILER LLP
275 Madison Avenue
Suite 801
New York, NY 10016-1101
Tel: (212) 682-1818
Fax: (212) 682-1892
Email: jsailer@murrayfrank.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

16 SOMTAI TROY CHAROENSAK and
17 MARIANA ROSEN, Individually, And On
18 Behalf Of All Others Similarly Situated,
19 Plaintiff,
20 vs.
21 APPLE COMPUTER, INC.
22 Defendant.

CASE NO.: C05-00037 JW

CLASS ACTION

~~PROPOSED~~ ^{JW} ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO FILE THE
DECLARATION OF DR. JOHN
PISARKIEWICZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION UNDER SEAL

Hon. Patricia V. Trumbull JUDGE JAMES WAKE
Courtroom 5, 4th Floor

PROPOSED ORDER

This matter came before the Court on Plaintiffs' Unopposed Motion for Administrative Relief Filed Pursuant to Civil L.R 7-11 For Leave of Court to File the Declaration of Dr. John Pisarkiewicz in Support of Plaintiffs' Motion for Class Certification ("Pisarkiewicz Declaration") Under Seal. Tables 3 and 4 and Figures 1 and 2 of the Pisarkiewicz Declaration, as well as paragraphs 11, 12, 17, and 18 of the Pisarkiewicz Declaration, reference data that defendant Apple Computer, Inc. has previously designated as "Confidential" within the meaning of the Protective Order entered in this case by the Court on January 17, 2007.


In support of the instant motion, plaintiffs have filed the Declaration of Roy A. Katriel, and have submitted to the Court a sealed version of the Pisarkiewicz Declaration. Plaintiffs have also filed a Redacted version of the Pisarkiewicz declaration through the Court's ECF system for public viewing. The Redacted version is identical to original version sought to be filed under seal, except that it redacts from public viewing the foregoing sections of the Pisarkiewicz Declaration that reference the "Confidential" data.

Upon consideration of the motion and all documents submitted in support thereof, IT IS HEREBY ORDERED AND ADJUDGED that:

1. Plaintiffs' Unopposed Motion for Administrative Relief Filed Pursuant to Civil L.R. 7-11 for Leave of Court to File the Pisarkiewicz Declaration Under Seal is hereby GRANTED.
2. The sealed version of the Declaration is hereby deemed filed with the Clerk of the Court. The Clerk is instructed to maintain the Pisarkiewicz Declaration in a sealed envelope bearing the notation "Filed Under Seal Pursuant to Protective Order" or other similar designation, and to keep the contents of the declaration sealed from public viewing as part of the record in this case.
3. The Redacted version of the Pisarkiewicz Declaration already filed by plaintiffs via the Court's ECF system, and bearing Docket Number 97 shall remain on file and be publicly available.

IT IS SO ORDERED.

Dated: 2/12, 2007


Hon. Patricia V. Trumbull JAMES WARE
United States Magistrate Judge
District

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)ss.:
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los Angeles, CA 90025.

On January 30, 2007, I served the document(s) described as **[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE THE DECLARATION OF DR. JOHN PISARKIEWICZ IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION UNDER SEAL** by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

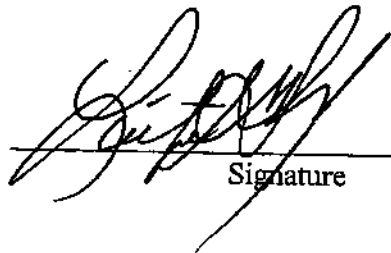
I served the above document(s) as follows:

BY MAIL. The envelope(s) was/were mailed with postage thereon fully prepaid. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in an affidavit.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 30, 2007, at Los Angeles, California 90025.

LEITZA MOLINAR
Type or Print Name


Signature

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SERVICE LIST

Roy A. Katriel, Esq.
THE KATRIEL LAW FIRM, P.C.
1101 30th Street, NW
Suite 500
Washington, DC 20007
Tel: (202) 625-4342
Fax: (202) 625-6774

Brian P. Murray, Esq.
Jacqueline Sailer, Esq.
MURRAY, FRANK & SAILER LLP
275 Madison Avenue
Suite 801
New York, NY 10016-1101
Tel: (212) 682-1818
Fax: (212) 682-1892

Attorneys for Plaintiffs

Robert A. Mittelstaedt, Esq.
Caroline N. Mitchell, Esq.
Adam R. Sand, Esq.
JONES DAY
555 California Street
26th Floor
San Francisco, CA 94104
Tel: (415) 626-3939
Fax: (415) 875-5700

Attorneys for Defendant