

1 Plaintiffs’ Melanie Tucker, Somtai Troy Charoensak and Mariana Rosen (collectively,
2 “plaintiffs”) respectfully submit this Administrative Motion for leave to file under seal
3 Memorandum of Law in Opposition to Defendant’s Motion for Summary Judgment and to Exclude
4 Expert Testimony of Roger G. Noll; Plaintiffs’ Responsive Separate Statement in Support of
5 Opposition to Defendant’s Motion for Summary Judgment and to Exclude Expert Testimony of
6 Roger G. Noll and Exhibits 1-4, 9-17, 20-29, 31-46, 48-54, 56, and 58-62 to the Declaration of
7 Bonny E. Sweeney in Support of Plaintiffs’ Opposition to Defendant’s Motion for Summary
8 Judgment and to Exclude Expert Testimony of Roger G. Noll (“Sweeney Opposition Declaration”).
9 Plaintiffs bring this motion pursuant to Civil Local Rules 7-11 and 79-5 (c) and June 13, 2007
10 Stipulated Protective Order Regarding Confidential Information (“Protective Order”).

11 Portions of Plaintiffs’ Memorandum of Law in Opposition to Defendant’s Motion for
12 Summary Judgment and to Exclude Expert Testimony of Roger G. Noll; Plaintiffs’ Responsive
13 Separate Statement in Support of Opposition to Defendant’s Motion for Summary Judgment and to
14 Exclude Expert Testimony of Roger G. Noll and Exhibits 1-4, 9-17, 20-29, 31-46, 48-54, 56, and
15 58-62 attached to the Sweeney Opposition Declaration are being lodged with the Court. The
16 documents refer to information and quote documents produced and designated “Confidential” in this
17 action by defendant Apple Inc. (“Apple”).

18 The Protective Order requires that the parties file a request to seal any discovery they submit
19 to the Court that is designated “Confidential.” Protective Order, ¶7. Although plaintiffs do not
20 necessarily believe it is critical to seal the designated documents and information from the public
21 record, especially in light of the “compelling reasons” test set forth by the Ninth Circuit in
22 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), plaintiffs have filed the
23 instant motion so as to comply with the Protective Order.

24 Consistent with Rule 79-5(e), within four days of the filing of plaintiffs’ Administrative
25 Motion to File Under Seal, the designating party must file with the Court and serve declarations
26 supporting the request to seal the protected material and must lodge and serve a narrowly tailored
27 proposed sealing order, or the information at issue will be made part of the public record.

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1 For the foregoing reasons, plaintiffs respectfully request that the Court grant plaintiffs'
2 Administrative Motion to File Under Seal and issue an order sealing Plaintiffs' Memorandum of
3 Law in Opposition to Defendant's Motion for Summary Judgment and to Exclude Expert Testimony
4 of Roger G. Noll; Plaintiffs' Responsive Separate Statement in Support of Opposition to Defendant's
5 Motion for Summary Judgment and to Exclude Expert Testimony of Roger G. Noll and Exhibits 1-4,
6 9-17, 20-29, 31-46, 48-54, 56, and 58-62 attached to the Sweeney Opposition Declaration.

7 DATED: January 13, 2014

Respectfully submitted,

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10 BONNY E. SWEENEY
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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 13, 2014.

s/ Bonny E. Sweeney
BONNY E. SWEENEY

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- (No manual recipients)