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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

14 THE APPLE IPOD ITUNES ANTI-TRUST)	Lead Case No. C-05-00037-YGR
15 LITIGATION)	
16 _____)	<u>CLASS ACTION</u>
17 This Document Relates To:)	PLAINTIFFS' ADMINISTRATIVE
18 ALL ACTIONS.)	MOTION TO FILE PLAINTIFFS' REPLY
19 _____)	MEMORANDUM IN SUPPORT OF
	<i>DAUBERT</i> MOTION TO EXCLUDE
	CERTAIN OPINION TESTIMONY OF
	KEVIN M. MURPHY AND ROBERT H.
	TOPEL AND EXHIBIT 1 UNDER SEAL
	PURSUANT TO CIVIL L.R. 7-11 AND 79-5

21 DATE: TBD
 22 TIME: TBD
 23 CTRM: 5, 2nd Floor
 JUDGE: Hon. Yvonne Gonzalez Rogers

1 Plaintiffs’ Melanie Tucker, Somtai Troy Charoensak and Mariana Rosen (collectively,
2 “plaintiffs”) respectfully submit this Administrative Motion for leave to file under seal Plaintiffs’
3 Reply Memorandum in Support of *Daubert* Motion to Exclude Certain Opinion Testimony of Kevin
4 M. Murphy and Robert H. Topel (“Reply”) and Exhibit 1 to the Declaration of Bonny E. Sweeney in
5 Support of Plaintiffs’ Reply Memorandum in Support of *Daubert* Motion to Exclude Certain
6 Opinion Testimony of Kevin M. Murphy and Robert H. Topel (“Sweeney Reply *Daubert*
7 Declaration”). Plaintiffs bring this motion pursuant to Civil Local Rules 7-11 and 79-5 and the June
8 13, 2007 Stipulated Protective Regarding Confidential Information (“Protective Order”).

9 The Reply and Exhibit 1 attached to the Sweeney Reply *Daubert* Declaration are being
10 lodged with the Court. The documents refer to information and quote documents produced and
11 designated “Confidential” in this action by defendant Apple Inc. (“Apple”).

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

18 Consistent with Rule 79-5(e), within four days of the filing of plaintiffs’ Administrative
19 Motion to File Under Seal, the designating party must file with the Court and serve declarations
20 supporting the request to seal the protected material and must lodge and serve a narrowly tailored
21 proposed sealing order, or the information at issue will be made part of the public record. Further,
22 plaintiffs are lodging with the Court an unredacted version of the Reply and Exhibit 1 attached to the
23 Sweeney Reply *Daubert* Declaration.

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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 the Reply and Exhibit 1
3 attached to the Sweeney Reply *Daubert* Declaration.

4 DATED: January 31, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 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 31, 2014.

s/ Bonny E. Sweeney
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- (No manual recipients)