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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 PORTIONS OF
19 _____ )	PLAINTIFFS' REPLY MEMORANDUM IN
	SUPPORT OF MOTION TO STRIKE THE
	SUPPLEMENTAL REPORT OF KEVIN M.
	MURPHY AND ROBERT H. TOPEL,
	DATED DECEMBER 20, 2013 UNDER
	SEAL PURSUANT TO CIVIL L.R. 7-11
	AND 79-5
	DATE: TBD
	TIME: TBD
	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 Portions of  
3 Plaintiffs’ Reply Memorandum in Support of Motion to Strike the Supplemental Report of Kevin M.  
4 Murphy and Robert H. Topel, dated December 20, 2013 (“Reply”). Plaintiffs bring this motion  
5 pursuant to Civil Local Rules 7-11 and 79-5 and the June 13, 2007 Stipulated Protective Regarding  
6 Confidential Information (“Protective Order”).

7 Plaintiffs’ Reply is being lodged with the Court. The Reply refers to information and quotes  
8 documents produced and designated “Confidential” in this action by defendant Apple Inc. (“Apple”).

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

15 Consistent with Rule 79-5(e), within four days of the filing of plaintiffs’ Administrative  
16 Motion to File Under Seal, the designating party must file with the Court and serve declarations  
17 supporting the request to seal the protected material and must lodge and serve a narrowly tailored  
18 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 the Reply.

3 DATED: February 3, 2014

Respectfully submitted,

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11 s/ Bonny E. Sweeney  
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 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 February 3, 2014.

s/ Bonny E. Sweeney  
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# Mailing Information for a Case 4:05-cv-00037-YGR "The Apple iPod iTunes Anti-Trust Litigation"

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## Manual Notice List

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