

1 Lester L. Levy (*Admitted Pro Hac Vice*)
 Michele F. Raphael (*Admitted Pro Hac Vice*)
 2 WOLF POPPER LLP
 845 Third Avenue
 3 New York NY 10022
 Telephone: 212.759.4600
 4 Facsimile: 212.486.2093
 e-mail: llevy@wolfpopper.com
 5 e-mail: mraphael@wolfpopper.com

6 William M. Audet (SBN 117456)
 AUDET & PARTNERS, LLP
 7 221 Main Street, Suite 1460
 San Francisco, CA 94105-1938
 8 Telephone: 415.568.2555
 Facsimile: 415.568.2556
 9 e-mail: waudet@audetlaw.com

10 *Attorneys for Plaintiffs and the Proposed Class*

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14	CLRB HANSON INDUSTRIES, LLC d/b/a)	CASE NO: C05-03649 JW
15	INDUSTRIAL PRINTING, and HOWARD)	
16	STERN, on behalf of themselves and all)	DECLARATION OF MICHELE F.
17	others similarly situated,)	RAPHAEL IN SUPPORT OF
	Plaintiffs,)	PLAINTIFFS' ADMINISTRATIVE
18	vs.)	MOTION PURSUANT TO CIV. L.R.
19	GOOGLE, INC.,)	79-5(d) TO FILE UNDER SEAL
	Defendant.)	PORTIONS OF DOCUMENTS DUE TO
20		CONFIDENTIAL DESIGNATIONS BY
		DEFENDANT GOOGLE, INC.
21		Civ. L.R. 79-5(d)
22		Courtroom: 8
23		Judge: Hon. James W. Ware

24
 25
 26
 27
 28 **DECLARATION OF MICHELE F. RAPHAEL IN SUPPORT
 OF PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO
 CIV. L.R. 79-5(d) TO FILE UNDER SEAL PORTIONS OF DOCUMENTS DUE
 TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.**

Doc. 157183

1 I, **MICHELE F. RAPHAEL**, declare as follow:

2 1. I am a member of Wolf Popper LLP, counsel for Plaintiffs CLRB Hanson Industries,
3 LLC d/b/a Industrial Printing and Howard Stern (collectively, "Plaintiffs") in this action against
4 Google, Inc ("Google"). I have personal knowledge of the facts stated herein. I submit this
5 declaration in support of Plaintiffs' administrative motion pursuant to Civ. L. R. 79-5(d) to file under
6 seal, portions of Plaintiffs' Supplemental Memorandum in Support of Plaintiffs' Motion for Partial
7 Summary Judgment ("Plaintiffs' Supplemental Memorandum") and portions of the Supplemental
8 Declaration of Michele F. Raphael dated May 3, 2007 ("Supplemental Raphael Declaration").

9 2. Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration
10 address information gleaned from discovery ordered by this Court, namely, the depositions of
11 Google employees, Mr. Schulman, Ms. Wilburn and Mr. Venkataraman.

12 3. Defendant has designated the transcripts from the depositions of Mssrs. Schulman
13 and Venkataraman, as confidential in their entirety. Defendant has designated portions of Ms.
14 Wilburn's transcript as confidential. Defendant has also designated as confidential exhibits marked
15 at these depositions.

16 4. A copy of the letter from defense counsel designating the transcripts "Confidential"
17 and/or "Confidential-Attorney's Eyes Only" is annexed hereto as Exhibit A.

18 5. Testimony from all three depositions is cited and referred to within the Supplemental
19 Memorandum. Exhibits designated confidential are also referred to therein. The cited transcript
20 pages and exhibits are annexed to the Supplemental Raphael Declaration.

21 6. In accordance with parties' Stipulated Protective Order filed on March 2, 2007 ,
22 Plaintiffs are seeking to file under seal those portions of Plaintiffs' Supplemental Memorandum and
23 the Supplemental Raphael Declaration which annex, cite and/or refer to material designated by
24 Defendant as Confidential.

25 7. Concurrent with this submission, Plaintiffs are lodging with the Clerk of the Court
26 two copies of Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration
27

1 which identify by yellow highlighting those portions which annex, cite, and/or refer to material
2 designated by Defendant as confidential. One copy is intended for review by this Court.

3 8. Plaintiffs are also lodging with the Clerk of the Court redacted versions of Plaintiffs'
4 Supplemental Memorandum and the Supplemental Raphael Declaration to place in the public record
5 in the event this Court orders that the highlighted portions be filed under seal.

6
7 Dated: May 7, 2007

8 _____
9 /s/
10 Michele F. Raphael

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27