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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
18	Plaintiffs,)	PLAINTIFFS' ADMINISTRATIVE
19	vs.)	MOTION PURSUANT TO CIV. L.R.
20	GOOGLE, INC.,)	79-5(d) TO FILE UNDER SEAL
21	Defendant.)	PORTIONS OF A DOCUMENT DUE TO
22)	CONFIDENTIAL DESIGNATIONS BY
23)	DEFENDANT GOOGLE, INC.
24)	Civ. L.R. 79-5(d)
25)	Courtroom: 8
26)	Judge: Hon. James W. Ware
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 A DOCUMENT DUE TO CONFIDENTIAL DESIGNATIONS BY GOOGLE, INC.**

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

2 1. I am a member of Wolf Popper LLP, counsel for Plaintiffs CLRB Hanson
3 Industries, LLC d/b/a Industrial Printing and Howard Stern (collectively, "Plaintiffs") in this
4 action against Google, Inc ("Google"). I have personal knowledge of the facts stated herein. I
5 submit this declaration in support of Plaintiffs' administrative motion pursuant to Civ. L. R. 79-
6 5(d) to file under seal, portions of Plaintiffs' Memorandum in Opposition to Defendant Google ,
7 Inc's Supplemental Brief in Support of Summary Judgment Motion ("Plaintiffs' Supplemental
8 Opposition Memorandum") because it incorporates, refers to, and/or cites documents which
9 Defendant Google, Inc. has designated confidential pursuant to the Protective Order entered on
10 May 15, 2007.

11 2. Plaintiffs' Supplemental Opposition Memorandum addresses information gleaned
12 from discovery ordered by this Court, namely, the depositions of Google employees, Mr.
13 Schulman, Ms. Wilburn and Mr. Venkataraman.

14 3. Defendant has designated the entire transcripts from the depositions of Messrs.
15 Schulman and Venkataraman as confidential and has designated portions of the transcript from
16 Ms. Wilburn's deposition as confidential. Defendant has also designated as confidential exhibits
17 marked at these depositions. Plaintiffs have objected to Defendant's en masse designations
18 without regard to the specific content of the documents, as improper and in violation of the
19 Protective Order. Plaintiffs have also requested that Defendant provide tailored designations, as
20 required. Nevertheless, as of this time the documents are still designated confidential and
21 therefore, as per the Protective Order, Plaintiffs need to request that certain portions of Plaintiffs'
22 Supplemental Opposition Memorandum be filed under seal.

23 4. Concurrent with this submission, Plaintiffs are lodging with the Clerk of the Court
24 two copies of Plaintiffs' Supplemental Opposition Memorandum which identify by yellow
25 highlighting those portions which annex, cite, and/or refer to material designated by Defendant as
26 confidential. One copy is intended for review by this Court. Plaintiffs are also lodging with the
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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 A DOCUMENT
DUE TO CONFIDENTIAL DESIGNATIONS BY GOOGLE, INC.**

1 Clerk of the Court a redacted version thereof to place in the public record in the event this Court
2 orders that the highlighted portions be filed under seal.

3 Dated: May 21, 2007
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6 /s/
7 Michele F. Raphael

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