

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED on 4/6/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL EWERT, on Behalf of Himself
and for the Benefit of All with Common or
General Interest, Any Persons Injured, and All
Others Similarly Situated,

Plaintiff,

v.

EBAY, INC.,

Defendants.

No. C-07-2198 RMW

ORDER DENYING MOTION TO REPLACE
DOCUMENT AND TO FILE DOCUMENT
UNDER SEAL

[Re Docket No. 114]

Defendant eBay, Inc. ("eBay") moves to replace Docket No. 110-1 with a redacted version and to file the redacted portion under seal. Having reviewed the portion eBay seeks to file under seal, the court denies the motion without prejudice. The court does not see why the designated portion is confidential since it provides no specifics and does not seem to disclose any information that can reasonably be considered confidential. eBay has 5 days to file further information justifying filing the designated portion under seal. Unless the court receives further information providing good cause for sealing within 5 days, Docket No. 110-1 (unredacted) will be made public.

DATED: 4/6/10

Ronald M Whyte
RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

3 John R. Fabry jfabry@galyen.com
4 Charles Stewart Bishop cbishop@connbish.com
5 Herbert T. Schwartz hschwartz@galyen.com
6 Patricia Ann Carlson pcarltex@sbcglobal.net

7 **Counsel for Defendants:**

8 Michael G. Rhodes rhodesmg@cooley.com
9 Heather C. Meservy hmeservy@cooley.com
10 Joseph S. Leventhal leventhaljs@cooley.com
11 Lori Ploeger lploeger@cooley.com
12 Sarah R. Boot sboot@cooley.com
13 Whitty Somvichian wsomvichian@cooley.com

14 Counsel are responsible for distributing copies of this document to co-counsel that have not
15 registered for e-filing under the court's CM/ECF program.

16 **Dated:** 4/6/10

17 CCL
18 **Chambers of Judge Whyte**