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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

ECLECTIC PROPERTIES EAST, LLC, a California Limited Liability Company, et al.,

Plaintiffs,

VS.

THE MARCUS & MILLICHAP COMPANY, a California corporation, et al.,

Defendants.

Case No.: 09-CV-00511-RMW (HL)

PROPOSED ORDER GRANTING DEFENDANT PAUL MORABITO'S ADMINISTRATIVE MOTION FOR AN ORDER TO FILE PORTIONS OF THE DECLARATION OF THEODORE M. KHALILI, M.D., UNDER SEAL

McKennonSchindler LLP 384 Forest Avenue, Suite 20 • Laguna Beach, California 92651

ORDER

Pursuant to the stipulation of the parties, and for good cause shown, the Court hereby grants Defendant Paul Morabito's administrative motion for an order to file paragraphs 7 through 19 of the declaration of Theodore M. Khalili, M.D., under seal pursuant to Local Rule 79-5(c).

Paragraphs 7 through 19 of the declaration of Theodore M. Khalili lodged in support of Mr. Morabito's motion for a protective order shall be filed under seal and shall remain under seal pursuant to Local Rule 79-2(f).

IT IS SO ORDERED.

February 3, 2010

Dated: January XXXX 2010

The Honorable Ronald M. Wayte United States District Court Judge



1 2	Respectfully submitted by:
3	Eric J. Schindler (SBN 141386)
4	Email: <u>es@mslawllp.com</u> Robert J. McKennon (SBN 123176)
5	Email: <u>rm@mslawllp.com</u>
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9	Attorneys for Defendants Paul A. Morabito and Baruk Management, Inc.
10	
11	
12	

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1	<u>CERTIFICATE OF SERVICE</u>			
2	I am employed in the County of Oral age of 18 and not a party to the within act. Avenue, Suite 20, Laguna Beach, Californ	nge, State of California. I am over the ion; my business address is 384 Forest pia 92651: Fax 949-464-9714: E-mail		
3	address: la@mslawllp.com.	ma 92031, 1 ax 949-404-9714, L-man		
4	I hereby certify that on January described as: [PROPOSED] ORDER	2010, I served the foregoing documents GRANTING DEFENDANT PAUL		
5	MORABITO'S ADMINISTRATIVE MO' PORTIONS OF THE DECLARATION O	IOTION FOR AN ORDER TO FILE		
6	UNDER SEAL on the interested parties listed on the attached Service List follows:			
7	ELECTRONICALLY: I caused a	true and correct copy thereof to be		
8	electronically filed using the Court's Electr service was completed by electronic means	by transmittal of a Notice of Electronic		
9	Filing on the registered participants of the E are not registered participants of the ECF Sys	stem as indicated below.		
10 11	to the notification address(es) of reco	y thereof enclosed in sealed envelope(s) ord and caused such envelope(s) to be ICE OVERNIGHT DELIVERY.		
12	DX E MAIL I 1 1 1 1	itted a true and correct copy thereof to		
13	purpose of effecting service and the transmission was reported as complete an without error.			
14	FACSIMILE TRANSMISSION: Based on courtesy court order agreement of the parties, I caused a true copy thereof to be served by transmitting via facsimile machine to the notification facsimile number(s) of record before close of business. The transmission was reported as complete, without error.			
15				
16 17	PERSONAL DELIVERY: I caused the original a true copy thereof to be delivered by hand to the notification address(es) of record by an employee of independent contractor of a registered process service.			
18	I am employed in the office of a me	mber of the bar of this court at whose		
19	direction the service was made. I declare un the Unites States of America and the State	te of California that the above is true and		
20	correct. Executed at Irvine, California on Jan	•		
21	NAME: Lizette C. Acoba	gnature)		
22	document3			
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28				
		Case No : 09-CV-00511-RMW (HI)		
		USE NO 109-CV-005 H-RMW (HL)		

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Case No.: 09-CV-00511-RMW (HL)

SERVICE LIST

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Case No.: 09-CV-00511-RMW (HL)