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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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

16 SOMTAI TROY CHAROENSAK and
17 MARIANA ROSEN, Individually, And On
18 Behalf Of All Others Similarly Situated,
19 Plaintiff,
20 vs.
21 APPLE COMPUTER, INC.
22 Defendant.

CASE NO.: C05-00037 JW

CLASS ACTION

~~PROPOSED~~ ^{JW} ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO FILE THE
DECLARATION OF DR. JOHN
PISARKIEWICZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION UNDER SEAL

Hon. Patricia V. Trumbull JUDGE JAMES WAKE
Courtroom 5, 4th Floor

1 **PROPOSED ORDER**

2 This matter came before the Court on Plaintiffs' Unopposed Motion for Administrative
3 Relief Filed Pursuant to Civil L.R 7-11 For Leave of Court to File the Declaration of Dr. John
4 Pisarkiewicz in Support of Plaintiffs' Motion for Class Certification ("Pisarkiewicz Declaration")
5 Under Seal. Tables 3 and 4 and Figures 1 and 2 of the Pisarkiewicz Declaration, as well as
6 paragraphs 11, 12, 17, and 18 of the Pisarkiewicz Declaration, reference data that defendant Apple
7 Computer, Inc. has previously designated as "Confidential" within the meaning of the Protective
8 Order entered in this case by the Court on January 17, 2007.


9 In support of the instant motion, plaintiffs have filed the Declaration of Roy A. Katriel, and
10 have submitted to the Court a sealed version of the Pisarkiewicz Declaration. Plaintiffs have also
11 filed a Redacted version of the Pisarkiewicz declaration through the Court's ECF system for public
12 viewing. The Redacted version is identical to original version sought to be filed under seal, except
13 that it redacts from public viewing the foregoing sections of the Pisarkiewicz Declaration that
14 reference the "Confidential" data.

15 Upon consideration of the motion and all documents submitted in support thereof, IT IS
16 HEREBY ORDERED AND ADJUDGED that:

- 17 1. Plaintiffs' Unopposed Motion for Administrative Relief Filed Pursuant to Civil L.R.
18 7-11 for Leave of Court to File the Pisarkiewicz Declaration Under Seal is hereby ²
GRANTED.
- 19 2. The sealed version of the Declaration is hereby deemed filed with the Clerk of the
20 Court. The Clerk is instructed to maintain the Pisarkiewicz Declaration in a sealed
21 envelope bearing the notation "Filed Under Seal Pursuant to Protective Order" or
22 other similar designation, and to keep the contents of the declaration sealed from
23 public viewing as part of the record in this case.
- 24 3. The Redacted version of the Pisarkiewicz Declaration already filed by plaintiffs via
25 the Court's ECF system, and bearing Docket Number 97 shall remain on file and be
26 publicly available.

27 IT IS SO ORDERED.

28 Dated: 2/12, 2007


Hon. Patricia V. Trumbull JAMES WARE
United States Magistrate Judge
District

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)ss.:
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los Angeles, CA 90025.

On January 30, 2007, I served the document(s) described as **[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE THE DECLARATION OF DR. JOHN PISARKIEWICZ IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION UNDER SEAL** by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

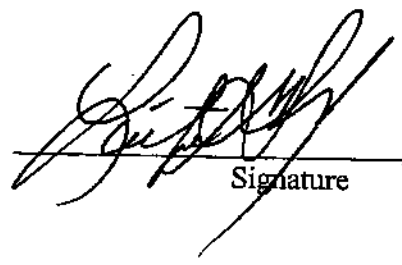
I served the above document(s) as follows:

BY MAIL. The envelope(s) was/were mailed with postage thereon fully prepaid. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in an affidavit.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 30, 2007, at Los Angeles, California 90025.

LEITZA MOLINAR
Type or Print Name


Signature

SERVICE LIST

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