

1 Robert A. Mittelstaedt #060359
 Caroline N. Mitchell #143124
 2 Adam R. Sand #217712
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 cnmitchell@jonesday.com
 6 arsand@jonesday.com

7 Attorneys for Defendant
 APPLE COMPUTER, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 **THOMAS WILLIAM SLATTERY,**
 12 **Individually, And On Behalf Of All**
 13 **Others Similarly Situated,**

14 **Plaintiff,**

15 v.

16 **APPLE COMPUTER, INC.,**

17 **Defendant.**

Case No. C 05 00037 JW

CLASS ACTION

**MISCELLANEOUS ADMINISTRATIVE
 REQUEST FOR AN ORDER THAT
 PLAINTIFF'S DEPOSITION TESTIMONY
 NEED NOT BE FILED UNDER SEAL**

18
 19 Defendant wishes to file portions of the deposition transcript of Thomas William Slattery
 20 taken January 30, 2006, designated confidential by plaintiff, in support of its request for leave to
 21 file a motion for summary judgment. Plaintiff designated the entire deposition transcript
 22 confidential, even though there is no protective order regarding deposition testimony entered in
 23 this case and none of the testimony was confidential in any event. In light of plaintiff's
 24 designation, however, defendant makes this request pursuant to Local Civil Rule 79-5(d) in an
 25 abundance of caution.

26 Defendant lodges unredacted and redacted versions of its administrative request for leave
 27 to file a motion for summary judgment along with the portions of the deposition transcript
 28 attached as Exhibit A to the declaration of Tracy M. Strong supporting that request. This Request

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is supported by the below declaration of Tracy M. Strong. Pursuant to Local Rule 79-5, a proposed order accompanies this Request.

Dated: February 21, 2006

JONES DAY

By: /s/
Tracy M. Strong

Counsel for Defendant
APPLE COMPUTER, INC.

