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

13	ROCKY MOUNTAIN BANK,)	Case No. 5:09-CV-04385 JW
	a Wyoming Corporation,)	
14)	NOTICE OF MOTION AND MOTION
	Plaintiff,)	FOR LEAVE TO FILE A MOTION
15	v.)	<u>FOR RECONSIDERATION</u>
)	Local Rule 7-9
16	GOOGLE INC., a Delaware corporation,)	
)	
17	Defendant.)	
)	

18 MediaPost Communications moves the Court to grant it leave to file the attached motion for
 19 reconsideration of the Court's December 4, 2009 order denying its motion to intervene. The Court
 20 based its denial on a ground that had not been argued in opposition to the motion, and that movant
 21 could not have anticipated. Indeed, as shown in the attached motion, the Court's ruling is squarely
 22 contrary to controlling authority from the Ninth Circuit. Moreover, the decision from the District of
 23 Massachusetts on which the Court relied is not on point, and a later decision of the United States
 24 Court of Appeals for the First Circuit holds that intervention may be sought for the purpose of
 25 unsealing even after the underlying case has been dismissed.

26 Under Ninth Circuit law, the right to intervene for the purpose of unsealing is so clear that a
 27 denial may be corrected by mandamus. *San Jose Mercury News v. United States District Court*, 187

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