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 FACEBOOK, INC.

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 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

17 FACEBOOK, INC., a Delaware
 corporation,

18 Plaintiff,

19 v.

20 JEREMI FISHER; PHILIP POREMBSKI;
 21 RYAN SHIMEALL; and JOHN DOES 1-
 22 25, individuals; and CHOKO SYSTEMS
 23 LLC; HARM, INC.; PP WEB SERVICES
 LLC, iMEDIA ONLINE SERVICES LLC,
 and JOHN DOES 26-50, corporations,

24 Defendants.

Case No. C 09-05842 JF

**PLAINTIFF FACEBOOK, INC.'S MOTION
 TO REMOVE ELECTRONIC DOCKET
 ENTRY 58-4 AND FILE EXHIBIT D TO
 THE DECLARATION OF RYAN T.
 MRAZIK IN SUPPORT OF PLAINTIFF
 FACEBOOK INC.'S ADMINISTRATIVE
 REQUEST FOR ORDER DIRECTING
 RELEASE OF COMPUTER UNDER SEAL**

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rules 7-11 and 79-5(c), plaintiff Facebook, Inc. ("Facebook")
3 respectfully requests that the court remove Exhibit D to the Declaration of Ryan Mrazik In
4 Support Of Plaintiff Facebook Inc.'s Administrative Request For Order Directing Release of
5 Computer and place it under seal because certain portions of that document contain personal
6 information.

7 Good cause exists justifying the filing of portions of the above document under seal
8 because the requested relief is necessary and narrowly tailored to protect confidential and
9 personal information of the citizen that filed a police report with the Sacramento Sheriff's
10 Department. The citizen has contacted Facebook and requested that certain personal information
11 be redacted and not made available to the public. Pursuant to Local Rule 79-5 this request is
12 supported by the Declaration of Ryan T. Mrazik in Support of Motion To Remove Exhibit and
13 File Under Seal ("Mrazik Decl.") and is accompanied by a proposed order.

14 **II. ARGUMENT**

15 Federal Rule of Civil Procedure 5(a) requires the redaction of certain information
16 including the year of the individual's birth. In addition, upon a showing of good cause, a court
17 may order in a case redaction of personal information for which redaction is not otherwise
18 required. Fed. R. Civ. P. 5(e). In particular, a court may deny access to the public where
19 documents could "become a vehicle for improper purposes." *Hagestad v. Tragesser*, 49 F.3d
20 1430, 1433-34 (9th Cir. 1995).

21 Good cause exists to redact certain personal information concerning the witness who filed
22 an abandoned property report with the Sacramento Sheriff's department. Counsel for Facebook
23 was contacted on June 30, 2010, by a family member of the witness who was concerned about the
24 disclosure of the witness' personal information that was contained in the Sheriff Report that is
25 attached as Exhibit D to the Declaration of Ryan T. Mrazik in Support of Plaintiff Facebook
26 Inc.'s Administrative Request for Order Directing Release of Computer. Mrazik Decl. ¶ 2. The
27 family member informed Facebook that there were concerns for the family's privacy and safety
28 and requested that Facebook withdraw the previously submitted exhibit and replace it with a copy

1 that redacts the witness's first name, year of birth, driver's license number, address and telephone
2 number. Mrazik Decl. ¶ 3

3 The information requested to be redacted does not affect the substance of the relief
4 requested by Facebook and Facebook accordingly requests that the Court grant this motion to
5 remove the previously filed document and to file under seal the identified portions of the above-
6 referenced document.

7 Dated: June 30, 2010

PERKINS COIE LLP

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By: /s/ James R. McCullagh
James McCullagh

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Attorney for Plaintiff Facebook, Inc.

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