

1 Brian Hennessy State Bar No. 226721  
 bhennesy@perkinscoie.com  
 2 PERKINS COIE LLP  
 101 Jefferson Drive  
 3 Menlo Park, California 94025  
 4 Telephone: 650.838.4300  
 Facsimile: 650.838.4350

5  
 6 James McCullagh, *pro hac vice*  
 jmccullagh@perkinscoie.com  
 7 Joseph Cutler, *pro hac vice*  
 jcutler@perkinscoie.com  
 8 PERKINS COIE LLP  
 1201 Third Avenue, Suite 4800  
 9 Seattle, Washington 98101  
 Telephone: 206.359.8000  
 10 Facsimile: 206.359.9000

11 Attorneys for Plaintiff  
 12 FACEBOOK, INC.

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

17 FACEBOOK, INC., a Delaware  
 18 corporation,

19 Plaintiff,

20 v.

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

24 Defendants.  
 25

Case No. C 09-05842 JF

**[PROPOSED] ORDER GRANTING  
 MOTION FOR ADMINISTRATIVE  
 RELIEF TO FILE CERTAIN PORTIONS  
 OF DOCUMENTS UNDER SEAL AND TO  
 CLOSE THE COURTROOM DURING  
 ANY HEARINGS RELATED THERETO**

26  
 27 Upon Consideration of Plaintiff Facebook, Inc.'s ("Facebook") Motion for Administrative  
 28 Relief to File Under Seal Certain Portions of Documents Filed in Connection With Its

1 Application for Default Judgment, the authorities provided therein, and the supporting  
2 Declaration of Joseph P. Cutler, the Court finds there to be good cause for granting Facebook's  
3 request to file under seal the sections marked for redaction in the documents lodged in connection  
4 with Plaintiff Facebook's Application for Default Judgment Against Defendants Philip Porembski  
5 and PP Web Services, LLC.

6 GOOD CAUSE having been shown, the Court finds that:

7 (1) The parties possess overriding confidentiality interests that overcome the right of  
8 public access to the recording of the sections marked for redaction by Facebook, contained in the  
9 following documents:

10 (a) Plaintiff Facebook, Inc.'s Application for, and Memorandum of Points and  
11 Authorities in Support of, Default Judgment Against Defendants Philip Porembski  
12 and PP Web Services, LLC;

13 (b) Declaration of Joseph P. Cutler in Support of Plaintiff's Application for Default  
14 Judgment Against Defendants Philip Porembski and PP Web Services, LLC; and

15 (c) Declaration of Facebook Employee in Support of Plaintiff's Application for  
16 Default Judgment Against Defendants Philip Porembski and PP Web Services,  
17 LLC.

18 (2) The parties possess overriding confidentiality interests that overcome the right of  
19 public access to any hearings where oral arguments related to Facebook's Application for Default  
20 Judgment will involve discussion of confidential or proprietary information.

21 IT IS THEREFORE ORDERED that Facebook's Motion for Administrative Relief to File  
22 Under Seal Certain Portions of Documents Filed in Connection With Its Application for Default  
23 Judgment is GRANTED.

24 IT IS FURTHER ORDERED that the Clerk of the Court shall file *under seal* the  
25 unredacted documents referenced above, keeping those documents from public inspection in  
26 accordance with the procedure set forth in Local Rule 79-5(f). The Court shall further accept for  
27 filing the *redacted* versions of the above-referenced documents, making those *redacted* versions  
28 of the documents available for public inspection.

1 IT IS FURTHER ORDERED that no party to this action shall publish (by electronic  
2 means or otherwise) or directly or indirectly disclose or cause to be disclosed to the public, or to  
3 any person or entity that is not a party to this action or counsel to a party to this action, the  
4 unredacted documents, or any portion thereof that is redacted in the redacted documents, without  
5 an order from the Court granting permission to do so.

6 IT IS FURTHER ORDERED that any hearing to consider Facebook's Application for  
7 Default Judgment shall be held in a closed courtroom where only the parties to this matter,  
8 declarants whose declarations are on file in this matter, and counsel representing parties to this  
9 matter may be present.

10  
11 Dated: \_\_\_\_\_, 2010

\_\_\_\_\_  
12 The Honorable Jeremy Fogel  
13 United States District Judge  
14 Northern District of California

15 Presented by:

16 **PERKINS COIE LLP**

17 By /s/ \_\_\_\_\_  
18 Joseph P. Cutler

19 *Attorneys for Plaintiff Facebook, Inc.*  
20  
21  
22  
23  
24  
25  
26  
27  
28