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

15
 16 IN RE: FACEBOOK, INC. INTERNET
 17 TRACKING LITIGATION

No. 5:12-md-02314-EJD

**PLAINTIFFS' ADMINISTRATIVE MOTION
 TO FILE PORTIONS OF SECOND
 AMENDED CONSOLIDATED COMPLAINT
 UNDER SEAL**

N.D. Cal. L.R. 7-11 and 79-5

Next Hearing Date: January 14, 2016

Judge: The Honorable Edward J. Davila

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rules 7-11 and 79-5(e), Plaintiffs Perrin Davis, Cynthia Quinn, Matthew
3 Vickery and Brian Lentz (the “Plaintiffs”) respectfully submit this administrative motion to file portions
4 of the Second Amended Consolidated Class Action Complaint (the “SAC” or “Amended Complaint”)
5 under seal. Plaintiffs are lodging the SAC under seal because it contains quotes from (or references to)
6 documents produced in discovery that Defendant Facebook Inc. has designated as “Highly Confidential”
7 pursuant to the Stipulated Protective Order entered by Magistrate Judge Paul S. Grewal in this matter on
8 April 11, 2014 (the “Protective Order”) [ECF No. 75].

9 Pursuant to Civil Local Rule 79-5(1), accompanying this motion is a Declaration of David A.
10 Straite (1) identifying the portions of the Amended Complaint (and attachments thereto) that are the
11 subject of this sealing motion; (2) providing 14 documents sought to be sealed which accompany the
12 Amended Complaint; and (3) providing an unredacted version of the Amended Complaint highlighting
13 the text that reflects discovery material designated by Facebook as “Confidential” or “Highly
14 Confidential.”

15 **II. DISCUSSION**

16 Public policy favors public access to court records. *See Foltz v. State Farm Mutual Automobile*
17 *Insurance Co.*, 331 F.3d 1124, 1134-35 (9th Cir. 2003); *see also Nixon v. Warner Communications, Inc.*,
18 435 U.S. 589, 597 (1978) (recognizing “a general right to inspect and copy public records and
19 documents, including judicial records and documents”). Furthermore, “a party seeking to seal a judicial
20 record must articulate justifications for sealing that outweigh the public policies favoring disclosure.”
21 *Dunbar v. Google, Inc.*, No. 5:12-cv-003305-LHK, 2012 WL 6202719, at *1 (N.D. Cal. Dec. 12, 2012).

22 Concurrent with this Motion to Seal, Plaintiffs are filing the Amended Complaint. Several pages
23 of the Amended Complaint reflect discovery material designated “Confidential” or “Highly
24 Confidential” by Facebook, and several attachments are internal Facebook documents produced in
25 discovery, and designed “Highly Confidential” by Facebook. To comply with the Protective Order and
26 Civil Local Rule 79-5, Plaintiffs have lodged the Amended Complaint under seal. To the best of
27 Plaintiffs’ knowledge, the redactions to the Amended Complaint are consistent with Facebook’s
28 designations.

1 **III. CONCLUSION**

2 Plaintiffs have filed this motion in compliance with the Protective Order and Civil Local Rule
3 79-5 to identify portions of the SAC that Facebook has designated “Confidential” or “Highly
4 Confidential” and to redact the SAC in accordance therewith. Plaintiffs take no position on whether the
5 designations are appropriate until having a chance to evaluate Facebook’s L.R. 79-5(e) declaration in
6 response to this Motion justifying the designations.

7 Dated: November 30, 2015

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