

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADAM BACKHAUT, et al.,
Plaintiffs,
v.
APPLE INC.,
Defendant.

Case No.14-cv-02285-LHK
ORDER GRANTING IN PART AND DENYING IN PART MOTIONS TO SEAL
Re: Dkt. Nos. 85, 93, 95, 101, 106

Before the Court are administrative motions to seal brought by Plaintiffs Adam Backhaut and Kenneth Morris (“Plaintiffs”), ECF Nos. 93, 101, and Defendant Apple, Inc. (“Defendant” or “Apple”), ECF Nos. 85, 95, 106. The parties seek to seal briefing and exhibits filed by the parties in connection with Plaintiffs’ motion for class certification, ECF No. 50, and in connection with Defendant’s motion for summary judgment, ECF No. 86. The Court previously denied the parties’ motions to seal documents related to the motion for class certification as overbroad and for failure to satisfy the “good cause” standard. *See* ECF No. 90. The Court cautioned the parties that they must make a showing of “good cause” and that future sealing motions must be narrowly tailored. *Id.*

“Historically, courts have recognized a ‘general right to inspect and copy public records

1 and documents, including judicial records and documents.” *Kamakana v. City & Cnty. of*
2 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435
3 U.S. 589, 597 & n.7 (1978)). Accordingly, when considering a sealing request, “a strong
4 presumption in favor of access is the starting point.” *Id.* (internal quotation marks omitted).

5 Parties seeking to seal judicial records relating to dispositive motions bear the burden of
6 overcoming the presumption with “compelling reasons supported by specific factual findings” that
7 outweigh the general history of access and the public policies favoring disclosure. *Kamakana*, 447
8 F.3d at 1178–79. Compelling reasons justifying the sealing of court records generally exist “when
9 such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to
10 gratify private spite, promote public scandal, circulate libelous statements, or release trade secret.”
11 *Id.* at 1179 (quoting *Nixon*, 435 U.S. at 598). However, “[t]he mere fact that the production of
12 records may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will
13 not, without more, compel the court to seal its records.” *Id.* Dispositive motions include “motions
14 for summary judgment.” *Id.*

15 Records attached to nondispositive motions are not subject to the strong presumption of
16 access. *See Kamakana*, 447 F.3d at 1179. Because the documents attached to nondispositive
17 motions “are often unrelated, or only tangentially related, to the underlying cause of action,”
18 parties moving to seal must meet the lower “good cause” standard of Rule 26(c) of the Federal
19 Rules of Civil Procedure. *Id.* at 1179–80 (internal quotation marks omitted). The “good cause”
20 standard requires a “particularized showing” that “specific prejudice or harm will result” if the
21 information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,
22 1210–11 (9th Cir. 2002) (internal quotation marks omitted); *see Fed. R. Civ. P. 26(c)*. “Broad
23 allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not
24 suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

25 In general, motions for class certification are considered nondispositive. *See In re High-*
26 *Tech Emp. Antitrust Litig.*, No. 11-CV-02509-LHK, 2013 WL 5486230, at *2 (N.D. Cal. Sept. 30,
27 2013) (“As Plaintiffs’ Motion for Class Certification is a non-dispositive motion, the Court finds

1 that the parties need only demonstrate ‘good cause’ in order to support their requests to seal.”).
2 The Court therefore applies the “good cause” standard to the parties’ requests.

3 Pursuant to Rule 26(c), a trial court has broad discretion to permit sealing of court
4 documents for, inter alia, the protection of “a trade secret or other confidential research,
5 development, or commercial information.” Fed. R. Civ. P. 26(c)(1)(G). The Ninth Circuit has
6 adopted the definition of “trade secrets” set forth in the Restatement of Torts, holding that “[a]
7 trade secret may consist of any formula, pattern, device or compilation of information which is
8 used in one’s business, and which gives him an opportunity to obtain an advantage over
9 competitors who do not know or use it.” *Clark v. Bunker*, 453 F.2d 1006, 1009 (9th Cir. 1972)
10 (quoting Restatement (First) of Torts § 757 cmt. b). “Generally [a trade secret] relates to the
11 production of goods. . . . It may, however, relate to the sale of goods or to other operations in the
12 business. . . .” *Id.* (ellipses in original). In addition, the U.S. Supreme Court has recognized that
13 sealing may be justified to prevent judicial documents from being used “as sources of business
14 information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 598.

15 In addition, parties moving to seal documents must comply with the procedures established
16 by Civil Local Rule 79-5. Pursuant to that rule, a sealing order is appropriate only upon a request
17 that establishes the document is “sealable,” or “privileged or protectable as a trade secret or
18 otherwise entitled to protection under the law.” Civ. L. R. 79-5(b). “The request must be narrowly
19 tailored to seek sealing only of sealable material, and must conform with Civil L.R. 79-5(d).” *Id.*
20 Civil Local Rule 79-5(d), moreover, requires the submitting party to attach a “proposed order that
21 is narrowly tailored to seal only the sealable material” and that “lists in table format each
22 document or portion thereof that is sought to be sealed,” as well as an “unredacted version of the
23 document” that “indicate[s], by highlighting or other clear method, the portions of the document
24 that have been omitted from the redacted version.” *Id.* R. 79-5(d)(1). “Within 4 days of the filing
25 of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as
26 required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.”
27 *Id.* R. 79-5(e)(1).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Below, the Court applies the “good cause” standard to the parties’ requests to seal documents in connection with Plaintiffs’ motion for class certification and the “compelling reasons” standard to the parties’ requests to seal documents in connection with Defendant’s motion for summary judgment. With these standards in mind, the Court rules on the instant motions as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
85	Compelling Reasons	Apple's Motion for Summary Judgment	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page ii, line 10 • Page ii, lines 13-14, subheading “d” – program name and last three words only • Page ii, line 15 • Page 2 • Page 3 • Page 6, line 1 • Page 7, lines 13-14, subheading “d” – program name and last three words only • Page 7, lines 15-25 • Page 7, line 26, subheading “2” – last two words only • Page 7, lines 27-28 • Page 8, lines 1-17 • Page 9, lines 2-3 • Page 9, line 7 – customer name only • Page 9, line 13 – customer name only • Page 9, line 15 • Page 9, line 19 • Page 9, line 23 – customer name only • Page 9, line 25 • Page 10, lines 1-2 • Page 10, line 5 • Page 10, line 16 – customer name only • Page 10, line 18 • Page 10, line 20 • Page 10, lines 24-25 • Page 10, line 28 • Page 11, line 10 – customer name only • Page 11, lines 12-13 • Page 11, line 16 – program name only • Page 11, line 17 • Page 11, line 20 • Page 13, line 8 – program name only • Page 16, lines 10-11 • Page 16, lines 20-21 • Page 16, lines 25-26 • Page 17, lines 1-2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
			<ul style="list-style-type: none">• Page 17, lines 17-22• Page 18, lines 1-5• Page 19, lines 18-19• Page 19, lines 26-27• Page 21, lines 14-19• Page 22, line 9• Page 22, line 16• Page 22, line 23• Page 23, line 1• Page 23, line 3• Page 23, lines 9-10• Page 23, lines 23-25 <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information available on Apple’s webpage and information that has been made public in <i>Moore v. Apple</i>, No. 14-CV-2269.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 3	<p>DENIED with prejudice as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Page 51, lines 4-13 • Page 51, lines 24-25 • Page 52, line 1 • Page 75, lines 4-13 • Page 101, lines 17-25 • Page 102, lines 1-3 <p>The Court will not seal publicly available information, including information available on Apple’s webpage and information that has been made public in <i>Moore v. Apple</i>.</p> <p>Otherwise, GRANTED as to the proposed redactions.</p>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 4	GRANTED as to the proposed redactions
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 5	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Page 45, lines 12-25 • Page 95, lines 1-4 • Page 98, line 16 – last two words only • Page 98, line 17 – first two words only • Page 98, line 19 – last word only • Page 98, line 20 • Page 98, line 22 – first two words only • Page 133, line 12 – last word only • Page 133, line 14 – last two words only • Page 133, line 15 – first word only • Page 133, line 16 – program name only • Page 133, line 18 – third word only • Page 133, line 22 – first word only • Page 133, line 25 – program name only <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information that has been made public in <i>Moore v. Apple</i>.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 6	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Page 28, lines 1-4 • Page 28, lines 6-9 • Page 28, line 14 • Page 28, lines 17-25 • Page 33, lines 1-2 • Page 33, lines 5-7 • Page 33, lines 9-18 • Page 33, lines 22-24 • Page 59, line 1 • Page 59, lines 23-25 • Page 60, lines 22-25 • Page 71, lines 1-8 • Page 71, line 10 – last seven words only • Page 71, lines 13-15 • Page 71, lines 20-25 <p>Otherwise, DENIED with prejudice.</p>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 7	<p>GRANTED as to the following redactions:</p> <ul style="list-style-type: none"> • Page 10, line 21 – Plaintiff Backhaut’s phone number only • Page 11, line 18 – Plaintiff Backhaut’s Apple ID only <p>Otherwise, DENIED with prejudice.</p>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 9	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Paragraph 8 – serial number only • Paragraph 19 – serial numbers only • Paragraph 27 – MSISDN number only <p>Otherwise, DENIED with prejudice.</p>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple’s Motion for Summary Judgment, Exhibit 10	DENIED with prejudice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple's Motion for Summary Judgment, Exhibits 14-22	GRANTED as to the proposed redactions
85	Compelling Reasons	Declaration of Tiffany Cheung in Support of Apple's Motion for Summary Judgment, Exhibit 23	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Pages 3-5 • Page 6, paragraph 8, fifth bullet • Page 6, paragraph 8, last sentence – program name only • Page 9 • Pages 11-13 • Page 14, paragraph 20 • Page 14, paragraph 21 – heading and last three lines only • Page 14-15, paragraph 22 – program name and phone number only • Page 14, footnote 6 • Pages 16-43 <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information that has been made public in <i>Moore v. Apple</i>.</p>
85	Compelling Reasons	Declaration of Justin M. Wood in Support of Apple's Motion for Summary Judgment	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Paragraph 6 • Paragraph 7 • Paragraph 9 • Paragraph 14 • Paragraph 15 • Paragraph 16 • Paragraph 17 <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information that has been made public in <i>Moore v. Apple</i>.</p>
85	Compelling Reasons	Declaration of Jeffrey J. Kohlman in Support of Apple's Motion for Summary Judgment	GRANTED as to the proposed redactions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
93	Good Cause	Plaintiffs' Motion for Class Certification	<p>GRANTED as to the following redactions proposed in Exhibit 16 to the Amended Declaration of Scott B. Murray, ECF No. 94:</p> <ul style="list-style-type: none"> • Page 2, lines 18-22 • Page 2, line 25 – second and third words only • Page 3, lines 8-10 – last three lines of the block quote only • Page 3, lines 18-20 • Page 3, lines 27-28, footnote 2 – last sentence of the proposed redaction only • Page 4, line 1 • Page 4, lines 4-6 • Page 4, lines 8-9 • Page 4, lines 15-20 • Page 5, lines 24-28 • Page 6, lines 9-14 • Page 6, lines 19-22 • Page 6, lines 23-27 • Page 7, lines 1-6 • Page 7, lines 8-15 • Page 7, lines 17-18 • Page 7, lines 27-28, footnote 3 • Page 8, lines 9-17 • Page 8, line 24 • Page 9, lines 1-4 • Page 9, lines 7-8 • Page 9, lines 10-22 • Page 10, lines 14-24 • Page 11, lines 1-10 • Page 11, lines 13-14 • Page 12, lines 3-4 • Page 12, lines 8-9 • Page 15, lines 12-13 • Page 15, lines 15-17 <p>Otherwise, DENIED with prejudice.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit B	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page 44, lines 12-15 • Page 158, lines 10-13 <p>Otherwise, DENIED with prejudice.</p>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit C	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page 12, lines 16-17 • Page 44, line 1 • Page 44, line 4 – last two words only • Page 44, line 5 – first word only • Page 44, lines 13-14 • Page 44, line 20 – last two words only • Page 44, lines 21-23 • Page 115, lines 2-13 • Page 115, line 14 – last three words only • Page 115, line 15 – last five words only • Page 115, lines 16-23 • Page 115, line 25 <p>Otherwise, DENIED with prejudice.</p>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit D	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page 30, lines 2-6 • Page 30, lines 20-22 • Page 48, lines 2-25 • Page 49 • Page 50, lines 12-25 • Page 51, lines 1-22 • Page 53, line 19 – first five words only • Page 53, line 24 – second sentence only • Page 53, line 25 • Page 80, lines 8-19 • Page 81, lines 7-25 <p>Otherwise, DENIED with prejudice.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit E	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page 35, line 25 • Page 38, lines 7-10 • Page 40 • Page 54, lines 1-15 • Page 115, lines 2-13 • Page 115, line 14 – last three words only • Page 115, line 15 – last five words only • Page 115, lines 16-23 • Page 115, line 25 <p>Otherwise, DENIED with prejudice.</p>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit F	GRANTED as to the redactions proposed in Exhibit 1 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit G	GRANTED as to the redactions proposed in Exhibit 2 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit M	GRANTED as to the redactions proposed in Exhibit 3 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit N	DENIED with prejudice. The Court will not seal publicly available documents.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit O	GRANTED as to the redactions proposed in Exhibit 4 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit P	GRANTED as to the redactions proposed in Exhibit 5 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit Q	GRANTED as to the redactions proposed in Exhibit 6 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit R	GRANTED as to the redactions proposed in Exhibit 7 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit S	GRANTED as to the redactions proposed in Exhibit 8 to the Amended Declaration of Scott B. Murray, ECF No. 94.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit T	GRANTED as to the redactions proposed in Exhibit 9 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit U	GRANTED as to the redactions proposed in Exhibit 10 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit X	GRANTED as to the redactions proposed in Exhibit 11 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit Y	GRANTED as to the redactions proposed in Exhibit 12 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit Z	GRANTED as to the redactions proposed in Exhibit 13 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit AA	GRANTED as to the redactions proposed in Exhibit 14 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit BB	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page 78, line 8 • Page 78, line 10 – first three words only <p>Otherwise, DENIED with prejudice.</p>
93	Good Cause	Plaintiffs' Motion for Class Certification, Exhibit DD	GRANTED as to the redactions proposed in Exhibit 15 to the Amended Declaration of Scott B. Murray, ECF No. 94.
93	Good Cause	Plaintiffs' Reply in Support of Motion for Class Certification, Exhibit A	GRANTED as to the following redactions proposed in Exhibit 1 to the Amended Declaration of Scott B. Murray, ECF No. 96: <ul style="list-style-type: none"> • Page 40, lines 7-8 • Page 40, lines 10-11 • Page 40, line 12 – first five words only • Page 40, lines 23-25 • Page 51, lines 15-25 • Page 72, line 19 – first five words only • Page 73, line 16 – fifth through ninth words only • Page 73, lines 19-20 • Page 73, lines 24-25 <p>Otherwise, DENIED with prejudice.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
93	Good Cause	Plaintiffs' Reply in Support of Motion for Class Certification, Exhibit B	DENIED with prejudice. Apple has not shown good cause for sealing the proposed document.
93	Good Cause	Plaintiffs' Reply in Support of Motion for Class Certification	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Page 1, line 25, footnote 1 • Page 3, lines 9-10 • Page 3, line 25 – sixth and seventh words only • Page 4, lines 27-28, footnote 5 • Page 7, lines 26-27, footnote 11 • Page 15, lines 7-9 – last three lines of block quote only • Page 15, lines 21-22 <p>Otherwise, DENIED with prejudice.</p>
95	Good Cause	Apple's Opposition to Plaintiffs' Motion for Class Certification	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Page 4, lines 8-12 • Page 14, line 9 – last eight words only • Page 14, lines 10-15 • Page 14, lines 17-18 • Page 14, lines 25-28, footnote 7 <p>Otherwise, DENIED with prejudice.</p>
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple's Opposition to Plaintiffs' Motion for Class Certification, Exhibit 1	<p>GRANTED as to the following proposed redactions:</p> <ul style="list-style-type: none"> • Page 13, paragraph 18, fifth list entry • Page 13, paragraph 18 – last line only <p>Otherwise, DENIED with prejudice.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple's Opposition to Plaintiffs' Motion for Class Certification, Exhibit 4	<p>GRANTED as to the following redactions:</p> <ul style="list-style-type: none"> • Page 95, lines 1-4 • Page 98, line 16 – last two words only • Page 98, line 17 – first two words only • Page 98, line 19 – last word only • Page 98, line 20 • Page 98, line 22 – first two words only • Page 102, line 17 – program name only • Page 113, lines 2-25 • Page 133, line 12 – last word only • Page 133, line 14 – last two words only • Page 133, line 15 – first word only • Page 133, line 16 – program name only • Page 133, line 18 – third word only • Page 133, line 22 – first word only • Page 133, line 25 – program name only <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information that has been made public in <i>Moore v. Apple</i>.</p>
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple's Opposition to Plaintiffs' Motion for Class Certification, Exhibit 5	<p>GRANTED as to the following redactions:</p> <ul style="list-style-type: none"> • Page 43, lines 1-11 • Page 43, line 15 – last six words only • Page 43, lines 16-18 <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information that has been made public in <i>Moore v. Apple</i>.</p>
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple's Opposition to Plaintiffs' Motion for Class Certification, Exhibit 6	GRANTED.
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple's Opposition to Plaintiffs' Motion for Class Certification, Exhibit 7	GRANTED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple’s Opposition to Plaintiffs’ Motion for Class Certification, Exhibit 11	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Paragraph 8 – serial number only • Paragraph 19 – serial numbers only • Paragraph 27 – MSISDN number only Otherwise, DENIED with prejudice.
95	Good Cause	Declaration of Tiffany Cheung in Support of Apple’s Opposition to Plaintiffs’ Motion for Class Certification, Exhibit 19	GRANTED as to the proposed redactions.
95	Good Cause	Declaration of Jeffrey J. Kohlman in Support of Apple’s Opposition to Plaintiffs’ Motion for Class Certification	GRANTED as to the proposed redactions.
101	Compelling Reasons	Plaintiffs’ Opposition to Defendant’s Motion for Summary Judgment	GRANTED as to the following proposed redactions: <ul style="list-style-type: none"> • Page 2, lines 26-28 – last three lines of block quote only • Page 3, lines 11-13 • Page 3, lines 15-16 • Page 3, lines 19-23 • Page 4, lines 1-5 • Page 4, lines 10-13 • Page 4, lines 17-19 • Page 4, lines 22-25 • Page 4, lines 27-28 • Page 5, lines 4-6 • Page 6, lines 8-15 • Page 7, lines 1-2 • Page 7, lines 19-21 • Page 14, lines 1-3 • Page 16, lines 7 • Page 16, line 10 – second and third words only Otherwise, DENIED with prejudice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit B	<p>GRANTED as to the following redactions:</p> <ul style="list-style-type: none"> • Page 38, lines 7-10 • Page 40 • Page 54, lines 1-15 • Page 115, lines 2-13 • Page 115, line 14 – last three words only • Page 115, line 15 – last five words only • Page 115, lines 16-23 • Page 115, line 25 <p>Otherwise, DENIED with prejudice. The Court will not seal publicly available information, including information that has been made public in <i>Moore v. Apple</i>.</p>
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit C	GRANTED as to the redactions proposed in Exhibit 1 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit D	GRANTED as to the redactions proposed in Exhibit 2 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit E	GRANTED as to the redactions proposed in Exhibit 3 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit F	GRANTED as to the redactions proposed in Exhibit 4 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit G	GRANTED as to the redactions proposed in Exhibit 5 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit H	GRANTED as to the redactions proposed in Exhibit 6 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit I	GRANTED as to the redactions proposed in Exhibit 7 to the Amended Declaration of Scott B. Murray, ECF No. 103.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

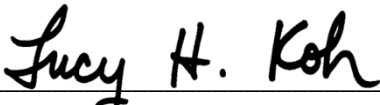
<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit J	GRANTED as to the redactions proposed in Exhibit 8 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit K	GRANTED as to the redactions proposed in Exhibit 9 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit M	GRANTED as to the redactions proposed in Exhibit 10 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit N	GRANTED as to the redactions proposed in Exhibit 11 to the Amended Declaration of Scott B. Murray, ECF No. 103.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit O	GRANTED as to the following redactions: <ul style="list-style-type: none"> • Page 78, line 8 • Page 78, line 10 – first three words only Otherwise, DENIED with prejudice.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit P	GRANTED as to the following redactions: <ul style="list-style-type: none"> • Page 44, lines 12-15 • Page 158, lines 10-13 Otherwise, DENIED with prejudice.
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit Q	GRANTED as to the following redactions: <ul style="list-style-type: none"> • Page 12, lines 16-17 • Page 44, line 1 • Page 44, line 4 – last two words only • Page 44, line 5 – first word only • Page 44, lines 13-14 • Page 44, line 20 – last two words only • Page 44, lines 21-23 Otherwise, DENIED with prejudice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Motion to Seal</u>	<u>Standard</u>	<u>Document</u>	<u>Ruling</u>
101	Compelling Reasons	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment, Exhibit R	GRANTED as to the following proposed redactions: <ul style="list-style-type: none">• Page 30, lines 2-6• Page 30, lines 20-22• Page 53, line 19 – first five words only• Page 53, line 24 – second sentence only• Page 53, line 25• Page 80, lines 8-19• Page 81, lines 7-25 Otherwise, DENIED with prejudice.
106	Compelling Reasons	Apple's Reply in Support of Motion for Summary Judgment	DENIED with prejudice as to the following proposed redactions: <ul style="list-style-type: none">• Page 7, lines 27-28, to page 8, line 24 – footnote 3 Otherwise, GRANTED as to the proposed redactions.

IT IS SO ORDERED.

Dated: December 2, 2015



LUCY H. KOH
United States District Judge