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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re NOVATEL WIRELESS SECURITIES
LITIGATION

) Lead Case No. 08-CV-01689-AJB(RBB)

) CLASS ACTION

This Document Relates To:
ALL ACTIONS.

) ORDER GRANTING PLAINTIFFS' *EX*
) *PARTE* APPLICATION TO FILE CERTAIN
) PORTIONS OF THE REPLY IN SUPPORT
) OF PLAINTIFFS' MOTION TO COMPEL
) PRODUCTION OF THIRD-PARTY KPMG
) DOCUMENTS DESIGNATED AS
) PRIVILEGED BY DEFENDANT NOVATEL
) AND CERTAIN EXHIBITS TO THE
) DECLARATION OF ERIC I. NIEHAUS IN
) SUPPORT OF THE REPLY IN SUPPORT
) OF PLAINTIFFS' MOTION TO COMPEL
) PRODUCTION OF THIRD-PARTY KPMG
) DOCUMENTS DESIGNATED AS
) PRIVILEGED BY DEFENDANT NOVATEL
) UNDER SEAL PURSUANT TO LOCAL
) RULE 79.2 AND THE PROTECTIVE
) ORDER ENTERED NOVEMBER 18, 2009
) [ECF NO. 364]

1 On April 11, 2011, plaintiffs filed an *ex parte* application to file under seal certain portions of
2 the Reply in Support of Plaintiffs' Motion to Compel Production of Third-Party KPMG Documents
3 Designated as Privileged by Defendant Novatel (the "Reply") and certain documents in connection
4 with the Reply. Dkt. No. 364. Plaintiffs seek to file under seal certain portions of the Reply and
5 Exhibits 1, 4-10 to the Declaration of Eric I. Niehaus in Support of the Reply in Support of
6 Plaintiffs' Motion to Compel Production of Third-Party KPMG Documents Designated as Privileged
7 by Defendant Novatel ("Niehaus Declaration") pursuant to Local Rule 79.2 and the Protective Order
8 Re Confidentiality as Modified by the Court, entered November 18, 2009. *Id.* On April 11, 2011,
9 plaintiffs filed a redacted version of the Reply. Dkt. No. 365.

10 Federal Rule of Civil Procedure 26 authorizes a court to order "that a trade secret or other
11 confidential research, development, or commercial information not be revealed or be revealed only
12 in a specified way." Fed. R. Civ. P. 26(c)(1)(G). Courts have "broad latitude to grant protective
13 orders to prevent disclosure of materials for many types of information." *Phillips v. GMC*, 307 F.3d
14 1206, 1211 (9th Cir. 2002). In exercising that discretion, the court must determine whether good
15 cause for such an order exists. *Id.* at 1212.

16 In this case, after reviewing the documents in question, the Court concludes that good cause
17 exists to file them under seal. Accordingly, the Court GRANTS plaintiffs' *ex parte* application for
18 leave to:

- 19 1. file certain portions of the Reply under seal; and
- 20 2. file Exhibits 1, 4-10 to the Niehaus Declaration under seal.

21 IT IS SO ORDERED.

22
23 DATED: April 14, 2011



24 THE HONORABLE RUBEN B. BROOKS
25 UNITED STATES MAGISTRATE JUDGE
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