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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

In re FERRERO LITIGATION,

CASE NO. 11-CV-205 H (CAB)

**ORDER GRANTING EX PARTE  
MOTION FOR LEAVE TO FILE  
UNDER SEAL**

On March 24, 2011, Defendant Ferrero U.S.A., Inc. filed a motion to transfer this consolidated action. (Doc. No. 19.) On May 2, 2011, Plaintiffs filed a response in opposition to Defendant's motion. (Doc. No. 33.) On May 2, 2011, Plaintiffs also filed an ex parte motion for leave to file under seal portions of their opposition and exhibits in support of their opposition. (Doc. No. 33-4.) Specifically, Defendants seek to file under seal the following documents:

- (1) Portions of Plaintiffs' Opposition to Ferrero's Motion to Transfer Venue.
- (2) Exhibit B to the Declaration of Jack Fitzgerald in Opposition to Ferrero's Motion to Transfer Venue, excerpts from the deposition transcript of Ferrero's CEO, Bernard Kreilmann, that Ferrero designated "Confidential."
- (3) Exhibit C to the Declaration of Jack Fitzgerald in Opposition to Ferrero's Motion to Transfer Venue, a document produced by Ferrero in response to Interrogatories, which Ferrero designated "Confidential."

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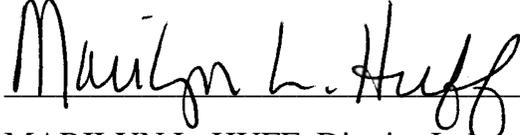
- (4) Exhibit D to the Declaration of Jack Fitzgerald in Opposition to Ferrero’s Motion to Transfer Venue, a document produced by Ferrero in response to Interrogatories, which Ferrero designated “Confidential.”
- (5) Exhibit E to the Declaration of Jack Fitzgerald in Opposition to Ferrero’s Motion to Transfer Venue, a printout of native Microsoft Excel file produced by Ferrero on a CD marked FERRERO001234-001270, and further marked “CONFIDENTIAL.”
- (6) Exhibit F to the Declaration of Jack Fitzgerald in Opposition to Ferrero’s Motion to Transfer Venue, the first 10 pages of a document produced by Ferrero bearing production numbers FERRERO000134-001128, which Ferrero designated “Confidential.”
- (7) Exhibit J to the Declaration of Jack Fitzgerald in Opposition to Ferrero’s Motion to Transfer Venue, a table created by Plaintiffs concerning possible third-party witnesses containing information derived from sources Ferrero designated “Confidential.”

Plaintiffs seek to seal the exhibits because they contain information that has been designated by Defendant as “Confidential” under the terms of the protective order. (Doc. No. 33-4 at 1.)

After reviewing the documents in question, the Court concludes that good cause exists to seal the exhibits. Accordingly, the Court GRANTS Plaintiffs’ request to file the documents under seal without prejudice to the Court modifying this order at a later time.

**IT IS SO ORDERED.**

DATED: May 4, 2011

  
MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT