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Interim Class Counsel

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

IN RE FERRERO LITIGATION

CASE NO. 3:11-CV-00205-H-CAB
 Pleading Type: Class Action
 Action Filed: February 01, 2011

**PLAINTIFFS' MOTION TO FILE UNDER
 SEAL THE UNREDACTED
 MEMORANDUM IN SUPPORT OF
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION, AND EXHIBITS 1-5, 9-
 11, AND 13-34 TO THE DECLARATION
 OF GREGORY S. WESTON IN SUPPORT
 OF CLASS CERTIFICATION.**

Judge: Hon. Marilyn L. Huff
 Date: October 11, 2011
 Time: 10:30 a.m.
 Location: Courtroom 13

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that Plaintiffs hereby move for an order allowing them to file
3 under seal the unredacted versions of the Memorandum in Support of Plaintiffs' Motion for
4 Class Certification and Exhibits 1-5, 9-11, and 13-34 to the Declaration of Gregory S. Weston in
5 Support of Class Certification, in accordance with Local Rule 79.2.

6 On April 19, 2011, the Court entered a Protective Order (Dkt. 32). The Protective Order
7 permits the parties to designate information as "Confidential . . . if, in the good faith belief of
8 such party and its counsel, the unrestricted disclosure of such information could be potentially
9 prejudicial to the business or operations of such party." Plaintiffs' Memorandum in Support of
10 Class Certification, and Exhibits 1-5, 9-11, and 13-34 to the Declaration of Gregory S. Weston
11 in Support of Class Certification, contain copies and discussions of a number of documents
12 designated as "Confidential" by Defendant and/or third parties.

13 Under the Protective Order, the parties have agreed to file such information under seal.
14 See Protective Order, ¶ 12. Accordingly, Plaintiffs move to file these documents under seal
15 pursuant to the Protective Order and Local Rule 79.2. Because of the sensitive nature of this
16 information, good cause exists to approve Plaintiffs' application to file under seal. See, e.g.,
17 *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). Plaintiffs will
18 also electronically file a public version of its Memorandum in Support of Class Certification and
19 the supporting Declaration with confidential information and exhibits redacted.

20
21 Dated: August 1, 2011

Respectfully Submitted,

22 /s/ Jack Fitzgerald
23 Jack Fitzgerald

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