Kelley v. M

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Mic	rosoft Corporation			Do
	Case 2:07-cv-00475-MJP Document 106	Filed 11/30/2007	Page 1 of 4	
1		The Honorable N	Iarsha J. Pechman	
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7	UNITED STATES DIS			
8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON			
~	AT SEATTLE			
9	DIANNE L. KELLEY and KENNETH)			
10	HANSEN,	No. CV07-00475 MJP	,	
)			
11	Plaintiffs,)	STIPULATION AND [PROPOSED] ORDE		
12	v.)	PERMITTING FILIN	G OF	
10)	REDACTED BRIEFS		
13	MICROSOFT CORPORATION, a Washington) Corporation,)	MOTION FOR CLAS CERTIFICATION	S	
14		CENTIFICATION		
1.7	Defendant)			
15				

STIPULATION

On November 19, 2007, Microsoft filed its Opposition to Plaintiffs' Motion for Class Certification [Dkt. No. 87]. On that same day, Microsoft filed a Motion to Seal [Dkt. No. 85], asking the Court to seal certain portions of Microsoft's Opposition. In its Proposed Order in connection with the Motion to Seal, Microsoft proposed that it would file a redacted version of its Opposition, as has been the custom with respect to other sealed briefs in this matter. See, e.g., Redaction to Sealed Motion for Class Certification [Dkt. No. 83].

The pending Motion to Seal is calendared for consideration on December 11, 2007. In the meantime, because this matter has attracted interest in the media and from the public, Microsoft has requested plaintiffs' consent to the filing of a redacted version of its Opposition in advance of disposition of its Motion to Seal, so as to permit public access to that document. Without prejudice to their position with respect to the pending Motion to Seal, plaintiffs

STIPULATION & ORDER PERMITTING FILING OF REDACTED OPP. TO MOTION FOR CLASS CERTIFICATION (CV07-00475 MJP) - 1 DWT 2175981v1 0025936-000689

Davis Wright Tremaine LLP LAW OFFICES Suite 2200 · 1201 Third Avenue Seattle, Washington 98101-3045 (206) 622-3150 · Fax: (206) 757-7700

stipulate and agree that filing such a redacted copy would be in the public interest, provided 1 2 that similar treatment is accorded to plaintiffs' Reply in support of their Motion for Class Certification, expected to be filed on or before December 19, 2007. 3 Based on the foregoing, the parties hereby stipulate and agree that (1) Microsoft may 4 5 file a redacted version of it Opposition [Dkt. No. 87] immediately upon entry of the subjoined Order, and (2) plaintiffs similarly may file a redacted version of any brief in connection with 6 the pending class certification and choice of law motions upon filing the appropriate Motion 7 to Seal, without awaiting disposition of that motion. 8 DATED this 29th day of November, 2007. 9 Davis Wright Tremaine LLP 10 Attorneys for Defendant Microsoft Corporation 11 By <u>/s/ Stephen M. Rummage</u> 12 Stephen M. Rummage, WSBA #11168 Cassandra Kinkead, WSBA #22845 13 Charles S. Wright, WSBA #31940 **Suite 2200** 14 1201 Third Avenue Seattle, WA 98101-3045 Telephone: (206) 757-8136 15 Fax: (206) 757-7136 16 E-mail: steverummage@dwt.com E-mail: cassikinkead@dwt.com 17 E-mail: charleswright@dwt.com 18 Charles B. Casper Montgomery, McCracken, Walker & 19 Rhoads. LLP 123 South Broad St. 20 Philadelphia, PA 19109-1029 Telephone: (215) 772-7223 Fax: (215) 731-3750 21 E-mail: ccasper@mmwr.com 22 23 24 25 26 27

DATED this 30th day of November, 2007.			
	GORDON TILDEN THOMAS & CORDELL LLP Attorneys for Plaintiff Dianne L. Kelley and Kenneth Hansen		
	By <u>/s/ Jeffrey M. Thomas</u> Jeffrey I. Tilden, WSBA #12219 Jeffrey M. Thomas, WSBA #21175 Michael Rosenberger, WSBA #17730 Mark A. Wilner, WSBA #31550 1001 Fourth Avenue, Suite 4000 Seattle, WA 98154-1007 Telephone: (206) 467-6477 Fax: (206) 467-6292 Email: jtilden@gordontilden.com Email: jthomas@gordontilden.com Email: mrosenberger@gordontilden.com		
	KELLER ROHRBACK L.L.P. William C. Smart, WSBA #8192 Ian S. Birk, WSBA #31431 Suite 3200 1201 Third Avenue Seattle, WA 98101 Telephone: (206) 623-1900 Fax: (206) 623-3384 Email: <u>wsmart@kellerrohrback.com</u> Email: <u>ibirk@kellerrohrback.com</u>		
ORDER			
IT IS SO ORDERED.			
DATED this day of	, 2007.		
	MARSHA J. PECHMAN UNITED STATES DISTRICT JUDGE		
STIPULATION & ORDER PERMITTING FILING OF I MOTION FOR CLASS CERTIFICATION (CV07-00475 DWT 2175981v1 0025936-000689	LAW OFFICES		

1	CERTIFICATE OF SERVICE		
2	I hereby certify that on November 30, 2007, I electronically filed the foregoing		
3	Stipulation and [Proposed] Order Permitting Filing of Redacted Opposition to Motion for		
4	Class Certification with the Clerk of the Court using the CM/ECF system which will send		
5	notification of such filing to the following:		
6	Jaffrey I. Tilden itilden @gendentilden com		
7	Jeffrey I. Tilden:jtilden@gordontilden.comJeffrey M. Thomas:jthomas@gordontilden.com		
8	Michael Rosenberger:mrosenberger@gordontilden.comMark A. Wilner:mwilner@gordontilden.com		
9	William C. Smart:wsmart@kellerrohrback.comMark A. Griffin:mgriffin@kellerrohrback.com		
10	Mark A. Offinin.Ingriffini@kellerrohrback.comIan S. Birk:ibirk@kellerrohrback.com		
11	DATED this 30 th day of November, 2007.		
12	Davis Wright Tremaine LLP		
13	Attorneys for Defendant Microsoft Corporation		
14	Dry /a/ Stork on M. Dummaga		
15	By <u>/s/ Stephen M. Rummage</u> Stephen M. Rummage, WSBA #11168 Davis Wright Tremaine LLP		
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27	STIPULATION & ORDER PERMITTING FILING OF REDACTED OPP. TO Davis Wright Tremaine LLP LAW OFFICES Davis Wright Tremaine LLP		
	MOTION FOR CLASS CERTIFICATION (CV07-00475 MJP) - 4 Suite 2200 · 1201 Third Avenue DWT 2175981v1 0025936-000689 Suite 200 · 57770		