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THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLAUDE A. REESE, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

JOHN BROWNE and ROBERT MALONE,

Defendants.

) Case No. C08-1008 MJP
)
)

) **STIPULATION AND ORDER**
) **REGARDING SEALED AMENDED**
) **COMPLAINT**

) Note on Motion Calendar: July 10, 2009
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STIPULATION

WHEREAS, on April 3, 2009, the parties filed a proposed Stipulation and Order in which Defendants consented to the filing of Lead Plaintiffs' Amended Complaint;

WHEREAS, a copy of the proposed Amended Complaint was attached to the proposed Stipulation indicating that it was to be filed under seal, and the Stipulation itself (with exhibits) was filed under seal;

WHEREAS, on April 8, the Court entered the parties' proposed Stipulation and Order, granting leave for Lead Plaintiffs to amend;

WHEREAS, since that time, the Amended Complaint has remained under seal;

WHEREAS, on June 5, 2009, Lead Plaintiffs sent Defendants a letter stating that Defendants "have not complied with the Protective Order," which "required [them] to file a motion within seven judicial days after Plaintiffs' filing of the Amended Complaint on April 3, 2009 for an order allowing the Amended Complaint to remain under seal";

1 WHEREAS, on June 22, 2009, Defendants filed a Motion to Perpetuate Seal “[i]n order
2 to address Lead Plaintiffs’ contention and resolve any doubt as to the status of the Amended
3 Complaint under seal”;

4 WHEREAS, in support of that motion, Defendants filed the Declaration of Brad McKim
5 under seal pursuant to CR 5(g)(3), which permits filing of sealed declarations in support of a
6 motion to seal;

7 WHEREAS, on July 6, 2009, Lead Plaintiffs filed an Opposition to Defendants’ Motion to
8 Perpetuate Seal;

9 WHEREAS, Lead Plaintiffs filed their Opposition and supporting Declaration of Javier
10 Blechmar under seal;

11 IT IS HEREBY STIPULATED AND AGREED THAT:

12 (1) Defendants withdraw their June 22 Motion to Perpetuate Seal; (2) The parties agree to
13 unseal the Amended Complaint; (3) The parties agree that unsealing the Amended Complaint is
14 not a waiver of rights with respect to unquoted material in those documents from which Lead
15 Plaintiffs quote or otherwise reference in the Amended Complaint; (4) The Parties agree that Lead
16 Plaintiffs’ Opposition may be unsealed, but that the Declarations of Brad McKim and Javier
17 Bleichmar should remain sealed under CR 5(g)(3), also without a waiver of rights; and (5) The
18 Parties agree that in the event that the Court declines to permit the McKim and Bleichmar
19 declarations to remain under seal, the parties will withdraw those documents pursuant to CR
20 5(g)(5).

21 Dated this 10th day of July, 2009

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Attorneys for Lead Plaintiffs

* * *

1 PURSUANT TO STIPULATION, THE COURT ORDERS:

2 1) Defendants' June 22, 2009 Motion to Perpetuate Seal is withdrawn;

3 2) The Amended Complaint will be unsealed;

4 3) Unsealing the Amended Complaint is not a waiver of any party's rights with respect to
5 unquoted material in those documents from which Lead Plaintiffs quote or otherwise reference in
6 the Amended Complaint;

7 4) Plaintiffs' Opposition shall be unsealed;

8 5) The Declarations of Brad McKim and Javier Bleichmar, having been submitted under
9 CR 5(g)(3), shall remain sealed.

10 SO ORDERED.

11 Dated July _13_, 2009

12 

13 Marsha J. Pechman
14 United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 10, 2009, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system which will send notification of such filing to the following:
4

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20 Dated: July 10, 2009

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