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The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHERINE MOUSSOURIS, HOLLY
MUENCHOW, and DANA PIERMARINI, on
behalf of themselves and a class of those
similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**STIPULATION AND ~~PROPOSED~~
ORDER TO SEAL ORDER
GRANTING IN PART AND DENYING
IN PART DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT (DKT.
NO. 510)**

~~PROPOSED~~ STIPULATION AND ~~PROPOSED~~ ORDER TO
SEAL ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S MSJ
Case No. 2:15-CV-01483-JLR

ORRICK, HERRINGTON & SUTCLIFFE LLP
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1 On July 11, 2018, this Court issued an Order Granting in Part and Denying in Part
2 Defendant's Motion for Summary Judgment ("Order"). Dkt. No. 510. The Court directed the
3 Clerk to provisionally file this Order under seal and ordered the parties to meet and confer
4 regarding the need for redaction. *Id.* The Court further ordered the parties to jointly file a
5 statement within ten days of the date of the Order to indicate any need for redaction. *Id.*

6 **STIPULATION**

7 Pursuant to the Court's Order, Plaintiffs Katherine Moussouris, Holly Muenchow, and
8 Dana Piermarini, and Defendant Microsoft Corporation, by and through their respective
9 counsel, stipulate and agree as follows:

10 **Identifying Information of Comparators**

11 Portions of the Order reveal identifying information of non-party comparators. Dkt.
12 No. 510 at 6:3, 8:17-18, 8:21-22, 9:2, 9:5, 9:7, 9:9-11, 13:14-15, 13:17, 13:19-20, 14:2-3,
13 14:5-8, 17:1-4, 19:15-18, 19:20-22, 20:1-2, 32:17, 32:20-22, 33:2-3, 33:5, 33:7-8, 33:10,
14 33:12, 33:17-18, 33:20-22, and 34:2. Microsoft previously offered multiple bases for sealing
15 non-party identifying information. Dkt. Nos. 269 at 5-7; 283 at 7; 358 at 6:10-7:3; and 452 at
16 2-3 (incorporated herein by reference). The Special Master granted Microsoft's requests to
17 seal certain identifying information of non-parties, including comparators, and the Court
18 adopted each of the Special Master's Reports and Recommendations. Dkt. Nos. 351 at 13, 16,
19 26-38, 44, and 48 (Report and Recommendation); 369 (Order adopting Report and
20 Recommendation); 462 at 13:12-15; *id.* at 14-16, 18-19, 24, 26-32, 34, and 35; 468 at 5
21 (Supplemental Report and Recommendation); 469 (Order adopting Report and
22 Recommendation); 470 (Order adopting Supplemental Report and Recommendation). In
23 accordance with these rulings, certain identifying information of third party comparators has
24 been redacted, and the parties agree the portions of the Court's Order identified above should
25 be redacted. These proposed redactions are reflected in the attached copy of the Order.

1 **Diversity and Inclusion Strategy**

2 A portion of the Order quotes a document that was previously sealed by this Court
3 because it sets out Microsoft's internal reactions to comments about its diversity and inclusion
4 strategy. Dkt. No. 510 at 49:19-20. Specifically, the Order quotes MSFT_278390, a
5 PowerPoint entitled FY 15 D&I Core Priorities and Action Plan. *Id.*; MSFT_278390 at 8.
6 Microsoft previously provided bases for sealing information concerning diversity and
7 inclusion strategy. Dkt. No. 269 at 9-12 (incorporated herein by reference). The Special
8 Master's February 16, 2018 Report and Recommendation on Motions to Seal granted
9 Microsoft's request to seal MSFT_278390 and the Court adopted her Report and
10 Recommendation. *See* Dkt. Nos. 351 at 29 (Report and Recommendation); 391 (Order
11 adopting Report and Recommendation). For these same reasons, the parties agree that the
12 Court should seal the information regarding internal reactions to comments about Microsoft's
13 diversity and inclusion strategy as set out in the accompanying copy of the Order.

14 **OFCCP Proceedings**

15 A portion of the Order reveals details regarding ongoing OFCCP proceedings that are
16 not known to the public. Dkt. No. 510 at 49:22 and 50:1. Microsoft previously offered
17 multiple bases for sealing OFCCP-related information. Dkt. Nos. 269 at 8:8-9:15; 280 at 2:11-
18 4:2; 358 at 6:10-7:3; and 452 at 5:1-7 (incorporated herein by reference). The Special Master
19 granted Microsoft's requests to seal information regarding ongoing OFCCP proceedings and
20 the Court adopted each of her Reports and Recommendations. Dkt. Nos. 351 at 20:3-21:7,
21 27:5-9, 29:9-14, and 35:21-27; 369; 463 at 6:18-22 and 9:5-8; 490. To date, materials
22 submitted to the Court that include details regarding the OFCCP proceedings unknown to the
23 public have been submitted under seal in accordance with these rulings. For these reasons, the
24 parties agree that the Court should seal the information regarding ongoing OFCCP
25 proceedings as set out in the accompanying copy of the Order.

26 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.
27
28

1 Dated: July 23, 2018

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28 STIPULATION AND ~~PROPOSED~~ ORDER TO
SEAL ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S MSJ
Case No. 2:15-CV-01483-JLR

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2018, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel of record.

DATED: July 23, 2018

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The Honorable James L. Robart

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UNITED STATES DISTRICT COURT
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KATHERINE MOUSSOURIS, HOLLY
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MICROSOFT CORPORATION,

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Case No. 2:15-cv-01483-JLR

~~PROPOSED~~ ORDER TO SEAL
ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT (DKT. NO. 510)

JLR

~~PROPOSED~~ ORDER TO SEAL ORDER
GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MSJ
Case No. 2:15-CV-01483-JLR

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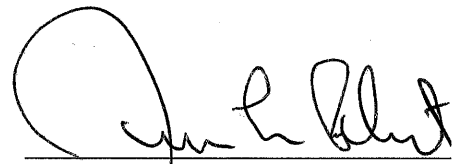
This matter comes before the Court on the parties' Stipulation to Seal Order Granting in Part and Denying in Part Defendant's Motion for Summary Judgment (Dkt. No. 510) ("Stipulation"). Having considered the stipulation and all other matters properly before the Court, and compelling reasons appearing therefore, the Court rules as follows:

IT IS HEREBY ORDERED THAT the parties' Stipulation is **GRANTED**. The Order Granting in Part and Denying in Part Defendant's Motion for Summary Judgment (Dkt. No. 510) shall remain sealed at pages 6:3, 8:17-18, 8:21-22, 9:2, 9:5, 9:7, 9:9-11, 13:14-15, 13:17, 13:19-20, 14:2-3, 14:5-8, 17:1-4, 19:15-18, 19:20-22, 20:1-2, 32:17, 32:20-22, 33:2-3, 33:5, 33:7-8, 33:10, 33:12, 33:17-18, 33:20-22, 34:2, 49:19-20, 49:22, and 50:1, as reflected in the redacted copy of the Order attached to the Parties' Stipulation. (Dkt. #512)

JJR

IT IS SO ORDERED.

Dated this 24th day of July 2018



The Honorable James J. Robart
UNITED STATES DISTRICT JUDGE

1 Dated: July 23, 2018

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