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 16 UNITED STATES DISTRICT COURT  
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 18 OAKLAND DIVISION

19 )  
 20 CAROLYN JEWEL, TASH HEPTING, )  
 YOUNG BOON HICKS, as executrix of the )  
 21 estate of GREGORY HICKS, ERIK KNUTZEN )  
 and JOICE WALTON, on behalf of themselves )  
 22 and all others similarly situated, )  
 )  
 23 Plaintiffs, )  
 )  
 24 v. )  
 )  
 25 NATIONAL SECURITY AGENCY, *et al.*, )  
 )  
 26 Defendants. )

CASE NO. 08-CV-4373-JSW  
**PLAINTIFFS' ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL  
 PLAINTIFFS' REPLY RE: THE  
 GOVERNMENT'S SUMMARY  
 JUDGMENT MOTION AND  
 PLAINTIFFS' MOTION TO PROCEED  
 TO RESOLUTION ON THE MERITS  
 USING THE PROCEDURES OF  
 SECTION 1806(f)**  
 Courtroom 5, Second Floor  
 The Honorable Jeffrey S. White

1 Pursuant to Local Rule 79-5, plaintiffs seek leave to file under seal an unredacted version of  
2 their Reply Re: The Government's Summary Judgment Motion And Plaintiffs' Motion To Proceed  
3 To Resolution On The Merits Using The Procedures Of Section 1806(F) ("Reply"), while filing a  
4 redacted version in the public record. Plaintiffs' Reply contains passages quoting from the James  
5 Russell Declaration, which the Court has previously filed under seal. See ECF Nos. 84, 122. The  
6 Court has previously filed under seal an earlier brief of plaintiffs quoting the Russell Declaration.  
7 ECF Nos. 294, 306.

8 In truth, it does not appear to plaintiffs that anything in the Russell Declaration merits  
9 sealing, or that the limited portions they quote in their Reply merit sealing of that document. The  
10 Russell Declaration was originally filed in 2006 by AT&T in the related *Hepting v. AT&T* action,  
11 No. 06-cv-0672. The Russell Declaration describes in general terms the contents of the Klein and  
12 Marcus Declarations and the exhibits to the Klein Declaration, which describe AT&T's Folsom  
13 Street Facility, and verifies the accuracy of statements made in the declarations and the exhibits.  
14 The ground for sealing the Russell Declaration in the *Hepting* action was that it revealed  
15 information about the contents of the Klein and Marcus Declarations and the exhibits to the Klein  
16 Declaration, all of which at that time were themselves under seal. See ECF No. 294, Ex. A  
17 (attaching ECF Nos. 38, 39 in *Hepting v. AT&T*, No. 06-cv-0672). The Klein and Marcus  
18 Declarations are no longer under seal, and portions of the exhibits to the Klein Declaration are no  
19 longer under seal. ECF Nos. 85, 89. Nonetheless, plaintiffs do not at this time press the issue of  
20 unsealing the Russell declaration and are willing to file their unredacted Reply under seal.

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22 DATE: November 2, 2018

Respectfully submitted,

23  
24 s/ Richard R. Wiebe  
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