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Plaintiffs' Co-Lead Counsel

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

IN RE GOOGLE INC. GMAIL LITIGATION

Master Docket No: 5:13-md-02430-LHK

THIS DOCUMENT RELATES TO:  
 ALL ACTIONS

**ADMINISTRATIVE MOTION TO  
 CONDITIONALLY FILE UNDER  
 SEAL (UNDER PROTEST) PORTIONS  
 OF PLAINTIFFS' CONSOLIDATED  
 INDIVIDUAL AND CLASS ACTION  
 COMPLAINT**

JURY DEMANDED

Judge: Hon. Lucy H. Koh  
 Dept.: Courtroom 8, 4<sup>th</sup> Floor

TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rules 79-5 and 7-11, N.D. General Order 62, and Civil Standing Order Regarding Motions to File Under Seal U.S. District Judge Lucy H. Koh dated December 1, 2011 ("Judge Koh Standing Order"), Plaintiffs hereby file this Administrative Motion To Conditionally File Under Seal.

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**ADMINISTRATIVE MOTION TO CONDITIONALLY FILE UNDER SEAL**  
 5:13-md-02430-LHK

1 Local Rule 79-5(d) provides, “If a party wishes to file a document that has been  
 2 designated confidential by another party pursuant to a protective order, or if a party wishes to  
 3 refer in a memorandum or other filing to information so designated by another party, the  
 4 submitting party must file and serve an Administrative Motion for a sealing order and lodge the  
 5 document, memorandum or other filing in accordance with this rule.” Judge Koh’s Standing  
 6 Order requires a party “seeking to file documents under seal shall also publically e-file, as an  
 7 exhibit to the administrative motion to file under seal, a proposed public redacted version of the  
 8 documents[.]”

9 Plaintiffs and their Counsel present this conditional motion to seal in deference to  
 10 Google’s “Confidential” and “Highly Confidential – Attorneys’ Eyes Only” designations under  
 11 the operative protective order, and in submission to their obligations under the Rules and Orders  
 12 of this Court. However, this filing should not be construed as Plaintiffs’ or their Counsels’  
 13 agreement to the sealing of the redactions Plaintiffs have been forced to make to the  
 14 Consolidated Individual and Class Action Complaint. Plaintiffs and their Counsel object to  
 15 sealing given the document sought to be redacted is a complaint, (“the root, the foundation, the  
 16 basis by which a suit arises and must be disposed of[.]”) sealing should not be considered absent  
 17 a clear, convincing and compelling basis to reject the general rule that judicial records are  
 18 public records. *See In re NVIDIA Corp. Derivative Litigation No. 125*, 2008 WL 1859067, at  
 19 \*3 (N.D. Cal. 2008).

20 Attached hereto as Exhibit “1” to the Declaration of Kirk J. Wolden is a proposed public  
 21 redacted version of Plaintiffs’ Consolidated Individual and Class Action Complaint.

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1 Respectfully submitted,

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3 Dated: May 16, 2013

CORY WATSON CROWDER & DEGARIS, P.C.

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5 By: /s/ F. Jerome Tapley

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