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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE GOOGLE INC. GMAIL LITIGATION

Master Docket No.: 13-MD-02430-LHK

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**ADMINISTRATIVE MOTION TO  
CONDITIONALLY FILE UNDER SEAL**

Date: January 16, 2014  
Time: 1:30 p.m.  
Judge: Hon. Lucy H. Koh  
Place: Courtroom 8—4<sup>th</sup> Floor

Trial Date: October 20, 2014

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**ADMINISTRATIVE MOTION TO CONDITIONALLY FILE UNDER SEAL**

5:13-md-02430-LHK

1 TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

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

6 As of October 1, 2013, Civil Local Rule 79-5(e) provides: "If the Submitting Party is  
7 seeking to file under seal a document designated as confidential by the opposing party or a  
8 non-party pursuant to a protective order, or a document containing information so designated  
9 by an opposing party or a non-party, the Submitting Party's declaration in support of the  
10 Administrative Motion to File Under Seal must identify the document or portions thereof  
11 which contain the designated confidential material and identify the party that has designated  
12 the material as confidential ('the Designating Party'). The declaration must be served on the  
13 Designating Party on the same day it is filed and a proof of such service must also be filed."

14 Judge Koh's Standing Order requires a party "seeking to file documents under seal shall  
15 also publically e-file, as an exhibit to the administrative motion to file under seal, a proposed  
16 public redacted version of the documents[.]"

17 Plaintiffs and their Counsel present this conditional motion to seal in deference to  
18 Google's "Confidential" and "Highly Confidential – Attorneys' Eyes Only" designations under  
19 the operative protective order, and in submission to their obligations under the Rules and Orders  
20 of this Court. However, this filing should not be construed as Plaintiffs' or their Counsels'  
21 agreement to the sealing of the redactions Plaintiffs have been forced to make to Plaintiffs'  
22 Consolidated Motion for Class Certification and its supporting exhibits. Plaintiffs and their  
23 Counsel object to sealing given the document sought to be redacted is a court filing, sealing  
24 should not be considered absent a clear, convincing and compelling basis to reject the general  
25 rule that judicial records are public records. *See In re NVIDIA Corp. Derivative Litigation No.*  
26 *125*, 2008 WL 1859067, at \*3 (N.D. Cal. 2008).

27 Plaintiffs submit the following documents under seal, pursuant to Civil L.R. 79-5(e)  
28 and this Court's Orders:

1 1. Portions of Plaintiffs' Consolidated Motion for Class Certification, at p. 2:17-  
2 20; 3:14, 17-23; 4:1-2, 7, 14, 16, 18, 20, 22-26; 5:7, 10-18, 21-22, 25, 27-28; 6:1, 5, 7-8, 11-14,  
3 18-25, 27-28; 7:1-3, 5, 8-12, 15-17; 8:1-18; 11:8; 15:11-13; 19:13-21, 23-25, 27-28; 21:10-17;  
4 26:4-5.

5 2. The entirety of Exhibits A, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, S, T, U,  
6 V, W, AA, & BB to the Declaration of Proposed Class Counsel Sean F. Rommel In Support of  
7 Plaintiffs' Consolidated Motion for Class Certification.

8  
9  
10 Dated: October 24, 2013

CORY WATSON CROWDER & DEGARIS, P.C.

11  
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25 *Plaintiffs' Liaison Counsel*  
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**PROOF OF SERVICE**

The undersigned certifies that this Administrative Motion and all supporting documents and declarations, as well as unredacted copies of all documents filed and lodged with the Court under seal, have been served on the Designating Party in compliance with Civil L.R. 79-5(e).

Dated: October 24, 2013

By: /s/ F. Jerome Tapley  
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