UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CAT BROOKS and RASHEED SHABAZZ, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMSON REUTERS CORPORATION,

Defendant.

Case No. 3:21-cv-01418-EMC

~~[PROPOSED]~~ ORDER RE PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED (DKT. 124)

Judge: Hon. Edward M. Chen

The Court, having considered Plaintiffs' Administrative Moton to Consider Whether Another Party's Material Should be Sealed and all supporting materials thereto, and having considered Defendant Thomson Reuters' Statement in Response and all supporting materials thereto, including exhibits 1-4 and the declaration of Kevin Appold, finds that good cause and compelling reasons exist to seal:

(1) The following portions of Plaintiffs' Brief in Support of Motion for Class Certification ("Moton") and the following portions of the following Exhibits to the Declaration of Andre Mura in support of the Motion ("Declaration Exhibits"):

Dkt. No. / Ex.	Portion(s) to Seal
Dkt. 124-3 1:11	After "private investigators, even" and before "millions of dollars each year"
Dkt. 124-3 4:18	After "arrested in" and before "for example"
Dkt. 124-3 4:23	After "It licenses it through" and before "third parties"
Dkt. 124-3 5:23-24	FN 3: After "("Jane" Powerpoint)" and before "Ex. 32"
Dkt. 124-3 5:25	FN 3: After "(August 2015 Legal Powerpoint)" and before "Ex. 33"
Dkt. 124-3 5:25-27	FN 3: After "(Email 6/15-7/5)" and before "Ex. 6"
Dkt. 124-3 6:13	After "considered" and before "*See* Ex. 50"
Dkt. 124-3 6:14-15	After "analysts discussing that they" and before "Ex. 51"
Dkt. 124-3 6:16-17	After "(discussing" and before "Ex. 52"
Dkt. 124-3 6:20-21	After "to control their personal information" and before "*See* Ex. 54"
Dkt. 124-3 6:22-23	FN 4: After "*See* Ex. 44 (Email 6/13-6/14)" and before "[.]"); Ex. 45"
Dkt. 124-3 6:24-25	FN 4: After "Ex. 45 (Email 7/17-2/13)" and before "Ex. 46 (Public Records Compliance Chart)"
Dkt. 124-3 6:25-26	FN 4: After "Ex. 47 (Email 3/5-4/20)" and before "Ex. 48"
Dkt. 124-3 6:26-27	FN 4: After "Ex. 48 (Email 1/28-1/29)" and before "Ex. 49 (Email 11/21-12/9)"
Dkt. 124-3 6:28	FN 4: After "Ex. 49 (Email 11/21-12/9)" to end of sentence in FN 4
Dkt. 124-3 7:1-2	Beginning of first line of page and before "Ex. 55"
Dkt. 124-3 7:3-6	After "Ex. 55 (Email 2/2-2/11)" and before "*see also* Ex. 56"
Dkt. 124-3 7:7-10	After "Thomson Reuters found" and before "Ex. 57"

Dkt. No. / Ex.	Portion(s) to Seal
Dkt. 124-3 7:13	After "has made over" and before "million selling access"
Dkt. 124-3 7:17-18	After "seeing revenues grow from" and before "*See* Ex. 60."
Dkt. 124-3 7:19-20	After "list of clients that are" and before "corporate and government customers."
Dkt. 124-3 7:25-26	After "customers for a central purpose:" and before "*See* Ex. 61."
Dkt. 124-4 Ex. 1	Fox Dep. at 50:15-19 (after "believe it's about" to the end of line 19)
Dkt. 124-4 Ex. 1	Fox Dep. at 64:15-20 (after "type of data." to the end of line 20)
Dkt. 124-4 Ex. 1	Fox Dep. at 80:1-2
Dkt. 124-4 Ex. 1	Fox Dep. at 95:7-96:19
Dkt. 124-4 Ex. 1	Fox Dep. at 99:12-18
Dkt. 124-4 Ex. 1	Fox Dep. at 105:14-15
Dkt. 124-4 Ex. 1	Fox Dep. at 106:11-106:12 (after "detail, please," and before "correct?")
Dkt. 124-4 Ex. 1	Fox Dep. at 106:17
Dkt. 124-4 Ex. 1	Fox Dep. at 106:20
Dkt. 124-4 Ex. 1	Fox Dep. at 108:16-18 (after "where it says," to the end of line 18)
Dkt. 124-4 Ex. 1	Fox Dep. at 108:20-21 (after "referencing the addition of" and before "to the CLEAR - - strike that.")
Dkt. 124-4 Ex. 1	Fox Dep. at 108:23 (beginning of line and before "to CLEAR?")
Dkt. 124-4 Ex. 1	Fox Dep. at 110:2-3 (beginning of line and before "new driver's")
Dkt. 124-4 Ex. 1	Fox Dep. at 110:8 (after "is" to end of line 8)
Dkt. 124-4 Ex. 1	Fox Dep. at 110:9-12 (after "And we don't - - and" to end of line 12)
Dkt. 124-4 Ex. 1	Fox Dep. at 116:17-18 (after "based on previous testimony," and before "it enters into our systems,")
Dkt. 124-4 Ex. 1	Fox Dep. at 121:15-122:4
Dkt. 124-4 Ex. 1	Fox Dep. at 122:21-25
Dkt. 124-4 Ex. 1	Fox Dep. at 123:5-12
Dkt. 124-4 Ex. 1	Fox Dep. at 156:13-157:4
Dkt. 124-4 Ex. 1	Fox Dep. at 169:21-22
Dkt. 124-4 Ex. 1	Fox Dep. at 170:2-4

Dkt. No. / Ex.	Portion(s) to Seal
Dkt. 124-4 Ex. 1	Fox Dep. at 178:2-24
Dkt. 124-7 Ex. 4	Turow Report page 12, line 4 (beginning of line and before "pages".)
Dkt. 124-7 Ex. 4	Turow Report page 12, FN 30 (after "listing" and before "Fox Dep. 98:21-22")
Dkt. 124-7 Ex. 4	Turow Report page 12, FN 31 (after "listing" and before "Fox Dep. 98:21-22")
Dkt. 124-7 Ex. 4	Turow Report page 14, FN 40 (after "In fact, I understand that" and before "Fox Dep. 132:20-133:19")
Dkt. 124-7 Ex. 4	Turow Report page 14, FN 40 (after "Fox Dep. 132:20-133:19" to the end of FN 40)
Dkt. 124-7 Ex. 4	Turow Report page 20, line 5 (after "add to CLEAR, including, potentially" to the end of sentence)
Dkt. 124-7 Ex. 4	Turow Report page 20, FN 59 (after "listing" and before "in a page of a presentation")
Dkt. 124-7 Ex. 4	Turow Report page 20, FN 59 (after "exploring the addition of" and before "to its CLEAR profiles")
Dkt. 124-7 Ex. 4	Turow Report page 21, FN 64 (entire footnote)
Dkt. 124-7 Ex. 4	Turow Report page 26, first row of table - continuation from previous page re beg bates TR-BROOKS018865 - in the document description column (after "discussing" and before "(June 2015)")
Dkt. 124-7 Ex. 4	Turow Report page 26, sixth row of table in the document description column (after "Annual Subscription Renewal" and before "& West Publishing Corporation")
Dkt. 124-7 Ex. 4	Turow Report page 26, seventh row of table in the document description column (after "Weekly Data Updates," and before "& West Publishing Corporation")
Dkt. 124-7 Ex. 4	Turow Report page 26, eighth row of table in the document description column (after "West Group &" and before "(Sept. 21, 2000)")
Dkt. 124-7 Ex. 4	Turow Report page 26, ninth row of table in the document description column (after "Contract" and before "(June 16, 1999)")
Dkt. 124-7 Ex. 4	Turow Report page 26, tenth row of table in the document description column (after "Contractual Agreement Between" and before "& West Publishing Corporation")
Dkt. 124-7 Ex. 4	Turow Report page 26, eleventh row of table in the document description column (after "Agreement" and before "West Services Inc. &")
Dkt. 124-7 Ex. 4	Turow Report page 26, eleventh row of table in the document description column (after "West Services Inc. &" and before "(Feb. 8, 2013)")
Dkt. 124-7 Ex. 4	Turow Report page 27, fifth row of table in the document description column (after "West Publishing &" and before "(Aug. 25, 2016)")
Dkt. 124-7 Ex. 4	Turow Report page 27, sixth row of table in the document description column (after "West Services &" and before "(July 19, 2004)")
Dkt. 124-7 Ex. 4	Turow Report page 27, seventh row of table in the document description column (after "West Services &" and before "(Aug. 29, 2006)")
Dkt. 124-7 Ex. 4	Turow Report page 27, eighth row of table in the document description column (after "West Services &" and before "(June 1, 2007)")
Dkt. 124-7 Ex. 4	Turow Report page 27, ninth row of table in the document description column (after "West Services &" and before "(Nov. 29, 2006)")

Dkt. No. / Ex.	Portion(s) to Seal
Dkt. 124-7 Ex. 4	Turow Report page 27, tenth row of table in the document description column (after "Purchase Order," to the end of description)
Dkt. 124-7 Ex. 4	Turow Report page 27, eleventh row of table in the document description column (after "Supply Agreement," and before "& West Services, Inc.")
Dkt. 124-7 Ex. 4	Turow Report page 28, first row of table in the document description column (after "Supply Agreement," and before "& West Services, Inc.")
Dkt. 124-7 Ex. 4	Turow Report page 28, second row of table in the document description column (after "License Agreement," and before "& West Services, Inc.")
Dkt. 124-7 Ex. 4	Turow Report page 28, third row of table in the document description column (after "License Agreement," and before "& West Services, Inc.")
Dkt. 124-7 Ex. 4	Turow Report page 28, fourth row of table in the document description column (after "Second Addendum," and before "& West Services, Inc.")
Dkt. 124-7 Ex. 4	Turow Report page 28, fifth row of table in the document description column (after "Order Form for," and before "West Services &")
Dkt. 124-7 Ex. 4	Turow Report page 28, fifth row of table in the document description column (after "West Services &" and before "(Dec. 14, 2014)")
Dkt. 124-7 Ex. 4	Turow Report page 28, sixth row of table in the document description column (after "West Publishing &" and before "(Mar. 1, 2017)")
Dkt. 124-7 Ex. 4	Turow Report page 28, seventh row of table in the document description column (after "West Publishing &" and before "(May 25, 2019)")
Dkt. 124-7 Ex. 4	Turow Report page 28, eighth row of table in the document description column (after "Reseller Agreement," and before "& West Publishing Corporation")
Dkt. 124-7 Ex. 4	Turow Report page 28, ninth row of table in the document description column (after "West Publishing &" and before "(Aug. 1, 2017)")
Dkt. 124-7 Ex. 4	Turow Report page 28, tenth row of table in the document description column (after "West Services &" and before "(Nov. 13, 2009)")
Dkt. 124-7 Ex. 4	Turow Report page 29, first row of table - continuation from previous page - in the document description column (after "West Services &" and before "(Feb. 2, 2010)")
Dkt. 124-7 Ex. 4	Turow Report page 29, second row of table re beg bates TR-BROOKS040077 - in the document description column (after "personnel and client" and before "discussing CLEAR matching")
Dkt. 124-9 Ex. 6	Godlewski Dep. at 131:6-9
Dkt. 127-12 Ex. 59	FSG Report page 1, line 16 (after "shows total net profits of approximately" and before "as of the end of 2021.")
Dkt. 127-12 Ex. 59	FSG Report page 5, FN 15 (after "TR-BROOKS082062 (listing" and before "Fox Dep. 98:7-8")
Dkt. 127-12 Ex. 59	FSG Report page 6, line 4 (entire line except footnote)
Dkt. 127-12 Ex. 59	FSG Report page 6, (entire image of powerpoint slide in middle of page)
Dkt. 127-12 Ex. 59	FSG Report page 10, (all data underneath the table column header titled: "Total Revenue ($MMs)")
Dkt. 127-12 Ex. 59	FSG Report page 11, last two lines 26-27 (after "(e.g.," and before "etc.).")

Dkt. No. / Ex.	Portion(s) to Seal
Dkt. 127-12 Ex. 59	FSG Report page 12, FN 42 (after "over the years 2010-2017, from" and before "TR-BROOKS123263;")
Dkt. 127-12 Ex. 59	FSG Report page 13, FN 47 (after "testifying that about" and before "of CLEAR's current customers")
Dkt. 127-12 Ex. 59	FSG Report page 14, line 5 (after "the data indicates that approximately" and before "of all CLEAR searches")
Dkt. 127-12 Ex. 59	FSG Report page 14, FN 49 - continuation from previous page (after "showing" and before "of CLEAR usage transactions")
Dkt. 127-12 Ex. 59	FSG Report page 14, FN 49 - continuation from previous page (after "CLEAR Desktop and" and before "occurring through CLEAR S2S,")
Dkt. 127-12 Ex. 59	FSG Report page 14, FN 49 - continuation from previous page (after "with the remaining" and before "attributable to Batch searches")
Dkt. 127-12 Ex. 59	FSG Report page 16, lines 23-26 (after "was entered into between Thomson Reuters and" and before "[fn59] As a second example,")
Dkt. 127-12 Ex. 59	FSG Report page 16, line 27 (after "As a second example, an agreement between Thomson Reuters and" and before "to be made available through")
Dkt. 127-12 Ex. 59	FSG Report pages 16 through 17, bottom line 29 through top of next page line 1 (after "California, with royalties of" through end of sentence at top of next page before "[fn60] Absent")
Dkt. 127-12 Ex. 59	FSG Report page 17, line 10 (after "consistently at or below" and before "of the corresponding revenues.")
Dkt. 127-12 Ex. 59	FSG Report page 17, line 11 (after "my calculations use the" and before "figure as a reasonable estimate")
Dkt. 127-12 Ex. 59	FSG Report page 17, bottom of page (all information/data contained underneath table titled: 2021 - total of two columns and 9 rows)
Dkt. 127-12 Ex. 59	FSG Report page 18, middle of page (all information/data contained below the table column headers - total of 6 columns and 11 rows)
Dkt. 127-12 Ex. 59	FSG Report page 19, line 6 (after "can be calculated as approximately" to the end of sentence)
Dkt. 127-12 Ex. 59	FSG Report Exhibit 1 (entire document)
Dkt. 127-12 Ex. 59	FSG Report Appendix A page 12, line 3 (after "Email from Alan Schafer Re:" and before TR-BROOKS04729-TR-BROOKS047039")
Dkt. 127-12 Ex. 59	FSG Report Appendix A page 13, line 7 (after "Email from Britton Wolf re:" and before "TR-BROOKS176757-TR-BROOKS176764")
Dkt. 127-13 Ex. 60	Page 3, lines 5-14 (all data underneath table column 2 titled: "Recurring Revenue Attributed to CLEAR" and all data underneath table column 3 titled: "Transactional Revenue Attributed to CLEAR")
Dkt. 127-17 Ex. 70	All 75 pages of "Excel Sheet 2," which follow directly after first two pages which comprise "Excel Sheet 1"

(2) The following Declaration Exhibits in their entirety:

Dkt. No. / Ex.	Document
Dkt. 124-5 Ex. 2	Internal training materials in the form of talking points for sales personnel to use with prospective CLEAR customers
Dkt. 124-11 Exs. 8	Internal spreadsheet of CLEAR customers

Dkt. No. / Ex.	Document
Dkt. 124-12 Exs. 9	Internal spreadsheet of CLEAR customers
Dkt. 124-13 Ex. 12	Sample CLEAR report
Dkt. 124-14 Ex. 15	Internal email discussing needed clarifications as to what information is and is not accessible through CLEAR
Dkt. 125-1 Ex. 16	Internal employee training materials in the form of a test with questions and answers
Dkt. 125-3 Ex. 19	Email conversation among employees in response to a request for information for marketing materials
Dkt. 125-4 Ex. 20	Email conversation among employees regarding enhancements made to CLEAR in March of 2021 and regarding an incoming request for proposal
Dkt. 125-5 Ex. 21	Internal spreadsheet of CLEAR data sources
Dkt. 125-6 Ex. 23	Internal powerpoint presentation providing a detailed review of CLEAR data licensors
Dkt. 125-7 Ex. 24	Internal spreadsheet of upcoming notice due dates for data licensors
Dkt. 125-8 Ex. 25	Product ladder of limited distribution that details the features and content available through various CLEAR plans
Dkt. 125-9 Ex. 26	Internal spreadsheet of CLEAR search metrics
Dkt. 125-12 Ex. 29	Internal announcement about CLEAR product changes
Dkt. 125-13 Ex. 30	Email conversation among employees regarding CLEAR search metrics
Dkt. 125-14 Ex. 31	Internal training powerpoint presentation providing technical processes and capabilities of CLEAR
Dkt. 125-15 Ex. 32	Internal powerpoint presentation providing information on data licensing agreements
Dkt. 125-16 Ex. 33	Email conversation among employees regarding CLEAR billing usage and validation
Dkt. 125-17 Ex. 34	Internal powerpoint presentation proposing data license agreement renewal for a specific data licensor
Dkt. 125-18 Ex. 35	Internal training materials in the form of talking points for sales personnel to use with prospective CLEAR customers
Dkt. 125-20 Ex. 37	Draft internal training materials in the form of talking points for sales personnel to use with prospective CLEAR customers
Dkt. 126-1 Ex. 38	Email conversations between Thomson Reuters and a CLEAR customer, and an internal conversation among employees, regarding the technical processes for pinning data to subjects in CLEAR
Dkt. 126-2 Ex. 39	Draft, internal document describing Thomson Reuters' public records products
Dkt. 126-3 Ex. 41	Internal powerpoint presentation regarding business operations
Dkt. 126-4 Ex. 42	Internal powerpoint presentation regarding business operations
Dkt. 126-5 Ex. 43	Internal chart mapping the CLEAR credentialing process
Dkt. 126-6 Ex. 44	Email conversations regarding permissible use of CLEAR

Dkt. No. / Ex.	Document
Dkt. 126-7 Ex. 45	Email conversations regarding permissible uses of CLEAR
Dkt. 126-8 Ex. 46	Internal FAQ document addressing compliance investigation questions
Dkt. 126-9 Ex. 47	Email conversations in response to customer inquiries
Dkt. 127-1 Ex. 48	Email conversation among employees regarding a customer request
Dkt. 127-2 Ex. 49	Email conversation among employees regarding data security features of CLEAR
Dkt. 127-3 Ex. 50	Email conversation among employees regarding CLEAR credentialing
Dkt. 127-4 Ex. 51	Email conversation among employees regarding CLEAR credentialing
Dkt. 127-5 Ex. 52	Email conversation among employees regarding CLEAR credentialing
Dkt. 127-6 Ex. 53	Email conversation between Thomson Reuters and a customer regarding CLEAR credentialing
Dkt. 127-7 Ex. 54	Internal email regarding certain information available through CLEAR
Dkt. 127-8 Ex. 55	Email from the sales team to a potential client
Dkt. 127-9 Ex. 56	Email conversation regarding certain information available through CLEAR
Dkt. 127-10 Ex. 57	Internal email regarding certain information available through CLEAR
Dkt. 127-14 Ex. 61	Internal powerpoint presentation regarding CLEAR financial growth strategy
Dkt. 127-15 Ex. 62	Internal training materials in the form of a powerpoint slide describing the Risk Inform product
Dkt. 127-16 Ex. 67	Email conversation regarding a consumer rights request under the CCPA
Dkt. 127-18 Ex. 71	Internal spreadsheet of Real-Time Incarceration records coverage per state
Dkt. 127-19 Ex. 72	Internal spreadsheet of Real-Time Incarceration records coverage per county
Dkt. 128-1 Ex. 73	Individual CLEAR report for Plaintiff Cat Brooks
Dkt. 129-1 Ex. 74	Individual CLEAR report for Plaintiff Rasheed Shabazz

IT IS SO ORDERED.

DATED: December 7, 2022

Hon. Edward M. Chen
United States District Court