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UNITED STATES DISTRICT COURT FOR THE 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-KAW

PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS SHOULD BE SEALED

Hon. Edward M. Chen

Pursuant to Civil Local Rule 79-5(f) and the Stipulated Protective Order entered by the Court on December 17, 2021 (ECF No. 70), Plaintiffs request that the Court consider whether material designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" should be filed under seal. Specifically, Defendant has designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" the following exhibits to Andre M. Mura's Declaration in Support of Plaintiffs' Omnibus Motion to Exclude Expert Opinions on Class Certification:

Exhibit to Mura Declaration	Document	Provisionally Sealed Portion(s)	Evidence Offered in Support of Sealing
Ex. 1	Kivetz Deposition	26:19-27:2; 27:16-28:5; 40:5-40:23; 41:18-41:20	Def. to provide evidence per Local Rule 79-5(f)

The following portions of Plaintiffs' Motion to Exclude quote from or otherwise refer to the above exhibits and so may also be potentially considered confidential by Defendant:

Provisionally Sealed Portion of Motion	Evidence Offered in Support of Sealing
Page 9, line 27 (between "generating" and "of")	Def. to provide evidence per L.R. 79-5(f)

The following portions of Plaintiffs' Motion to Exclude quote from or otherwise refer to expert reports that were submitted under seal by Defendant and so may also be potentially considered confidential by Defendant:

Provisionally Sealed Portion of Motion	Evidence Offered in Support of Sealing
Page 3, lines 9-10 (between "here" and end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 3, lines 11-12 (between "harms" and end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 3, lines 12-14 (between "that" and end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 3, lines 14-15 (between "fourth," and end of sentence)	Def. to provide evidence per L.R. 79-5(f)

Page 4, lines 1-2 (between "that" and end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 4, lines 4-5 (from start of line to end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 4, line 5 (between "of" and "is")	Def. to provide evidence per L.R. 79-5(f)
Page 4, lines 21-22 (between "case" and end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 5, line 8 (between "Kivetz's" and end of line)	Def. to provide evidence per L.R. 79-5(f)
Page 6, line 13 (between "mischaracterizes as a" and "only")	Def. to provide evidence per L.R. 79-5(f)
Page 6, line 13 (between "necessitates" and end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 6, lines 14-16 (between "show that" to end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 6, lines 18-20 (between "why" to "or know")	Def. to provide evidence per L.R. 79-5(f)
Page 7, line 16 (between "consumers'" and "when Californians")	Def. to provide evidence per L.R. 79-5(f)
Page 8, line 19 (from beginning of line to "with the implication")	Def. to provide evidence per L.R. 79-5(f)
Page 8, lines 25-26 (between "marketplace," to "ECF No. 151-14")	Def. to provide evidence per L.R. 79-5(f)
Page 8, line 27 (from beginning of line to end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 9, lines 4-6 (from "speculate that" to end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 10, line 11 (between "survey by" and "—without")	Def. to provide evidence per L.R. 79-5(f)
Page 10, lines 14-15 (between "questions such as" and "without offering")	Def. to provide evidence per L.R. 79-5(f)
Page 10, lines 22.5-23.5 (from "arguing that because" to end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 11, lines 12-13 (between "Turow" to "and that")	Def. to provide evidence per L.R. 79-5(f)
Page 11, line 13 (between "position is" and "and")	Def. to provide evidence per L.R. 79-5(f)
Page 11, line 13 (from "and" to end of sentence)	Def. to provide evidence per L.R. 79-5(f)
Page 14, lines 4-6 (quotation in parenthetical)	Def. to provide evidence per L.R. 79-5(f)

Pursuant to Local Rule 79-5(f)(3), Defendant, as the Designating Party, bears the responsibility to establish that its designated materials are sealable. Plaintiffs provisionally file these documents under seal to give Defendant an opportunity to specify any reasons for keeping the documents under seal pursuant to Local Rule 79-5(c).

DATED: February 6, 2023

Respectfully submitted,

/s/ Andre M. Mura
Andre M. Mura

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