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**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

**THIRD SEALING DECLARATION OF
KEVIN APPOLD**

1 I, Kevin Appold, hereby declare as follows:

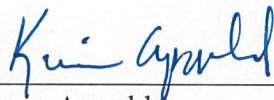
2 1. I am Vice President, Product, US Public Records at West Publishing Corporation
3 (“West”), a wholly owned subsidiary of Thomson Reuters Corporation (“Thomson Reuters”). For
4 purposes of this declaration, I will refer to “Thomson Reuters” even when “West” is the proper
5 legal entity. I have been employed by West for more than 27 years. I manage a team responsible
6 for continued development and operation of the CLEAR platform, and I have led the Product
7 Management team responsible for the integration and ongoing design of CLEAR since Thomson
8 Reuters acquired CLEAR in 2008. I have personal knowledge of the facts set forth herein, and if
9 called as a witness, could and would testify competently thereto.

10 2. I have reviewed Doc. 169-3 filed in this litigation, which is Plaintiffs’ reply brief
11 in support of their motion for class certification. In the second paragraph on page 1 of that brief,
12 Plaintiffs reference a type of data that they contend was available through CLEAR “for at least a
13 limited time.” That contention is false. While Thomson Reuters briefly explored adding that type
14 of data to CLEAR, that data was never integrated into CLEAR or made available to CLEAR
15 customers.

16 3. I have also reviewed Doc. 169-4 filed in this litigation, which contains excerpts
17 from the deposition of Eric Gerhard on February 22, 2023. Among other things, these excerpts
18 include dialogue between Mr. Gerhard and Plaintiffs’ counsel about the type of data discussed
19 above, and quotes from internal communications among Thomson Reuters employees that were
20 presented with little or no context by Plaintiffs’ counsel during the deposition.

21 4. Good cause and compelling reasons exist to seal the text identified in Tables 1 and
22 2 of Thomson Reuters’ Sealing Statement, which I have reviewed, and Table 1 of Thomson
23 Reuters’ Sealing Motion, which I have also reviewed, because the redacted text reveals the type
24 of data that Plaintiffs falsely claim to have been available through CLEAR; reveals non-public
25 information about strategic development and positioning of CLEAR as Thomson Reuters
26 considered *whether* to make that type of data available through CLEAR; and because it gives an
27 incomplete and misleading picture of Thomson Reuters business practices related to CLEAR.
28

1 Executed on March 16, 2023, in Eagan, Minnesota.

2
3 
4 Kevin Appold