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Counsel for Defendant Plaid Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VISA INC. and PLAID INC.,

Defendants.

CASE NO.: 4:20-cv-07810-JSW

DECLARATION OF JUSTINA SESSIONS IN SUPPORT OF DEFENDANT PLAID INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL

I, Justina Sessions, declare as follows:

1. I am a member of the firm Wilson Sonsini Goodrich & Rosati, P.C., counsel of record for Plaid Inc. ("Plaid"). I am an attorney duly admitted to practice in the State of California and before this Court, and am familiar with this Court's Local Rules, including Civil Local Rule 79-5. I have personal knowledge of the facts set forth below and, if called and sworn as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Plaid's Administrative Motion to File Under Seal Portions of the Declaration of McKenna Quint in Support of Plaid's Proposed Trial Date ("Quint Declaration") and the Declaration of Pouya Fatemi in Support of Plaid's Proposed Trial Date ("Fatemi Declaration").

3. The information sought to be kept under seal is confidential, protectable as a trade secret or otherwise entitled to protection under law. Because this Motion relates to non-dispositive briefing, the information Plaid seeks to file under seal are not subject to a strong presumption of public access; the "good cause" standard of Federal Rule of Civil Procedure 26(c) applies. *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006).

4. The limited portions of the Quint Declaration that Plaid moves to file under seal contain confidential, nonpublic, and highly sensitive business information relating to Plaid's human resources. Publicly disclosing this information could cause significant harm to Plaid, given that it would provide its competitors with insight into its internal human resources matters and thus would put Plaid at a competitive disadvantage.

5. The limited portions of the Fatemi Declaration that Plaid moves to file under seal contain confidential, nonpublic, and highly sensitive business information relating to Plaid's financial operations. Plaid is a private company, and publicly disclosing this confidential information, including to Plaid's competitors and the marketplace, would cause Plaid competitive harm.

6. Courts have granted similar motions to protect confidential information. *See, e.g.*, *Verinata Health, Inc. v. Ariosa Diagnostics, Inc.*, No. 12-cv-05501-SI, 2015 U.S. Dist. LEXIS 54912, at *10 (N.D. Cal. Apr. 24, 2015) (holding that good cause existed to keep "confidential and

commercially sensitive information about [the party's] financials, pricing, and marketing strategy, including [the party's] financial forecasts" under seal because "public disclosure of this information may result in substantial competitive harm by providing competitors insight into internal finances"); *Barnes v. Hershey Co.*, No. 3:12-cv-01334-CRB, 2015 U.S. Dist. LEXIS 52330, at *10-11 (N.D. Cal. Apr. 21, 2015) (granting a motion to seal a document that contained "sales and recruitment strategy" because disclosure "would put [the party] at a competitive disadvantage by revealing its internal talent planning" and because "the emails bear only tangentially on the matters at issue in this litigation, such that the public interest in disclosure is minimal").

7. Plaid's request is narrowly tailored. Plaid seeks only to keep limited portions of the Quint Declaration and Fatemi Declaration under seal. Redacted versions of both declarations will be filed publicly, as will the Case Management Statement to which they attach.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in San Francisco, California on December 11, 2020.

Dated: December 11, 2020

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

/s/ Justina Sessions
Justina Sessions

Counsel for Defendant Plaid Inc.