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13  
14 UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION  
17

18 In re Apple iPhone Antitrust Litigation

Case No. 4:11-cv-06714-YGR

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20 **STIPULATION AND ~~PROPOSED~~ ORDER**  
21 **MODIFYING SEALING PROCEDURES**

22 The Honorable Yvonne Gonzalez Rogers  
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1 WHEREAS, Plaintiffs and Apple Inc. (each a “Party,” and collectively the “Parties”) wish to  
2 conserve the resources of the Court and to avoid filing multiple sealing motions and declarations,  
3 especially in light of the current judicial emergency in the Northern District of California, *see, e.g.*,  
4 Order Denying [81] Motion, *SaurikIT, LLC v. Apple Inc.*, Case No. 4:20-cv-08733-YGR (June 24,  
5 2022) (Dkt. 84) (referencing judicial emergency and directing that “filing of . . . unnecessary motions  
6 should be avoided”);

7 WHEREAS the Parties anticipate that filings in this action, including the forthcoming class  
8 certification briefing, will continue to involve confidential information which may belong to the Parties  
9 as well as non-parties (noting that briefing on Plaintiffs’ first motion for class certification involved  
10 confidential information relating to fourteen third parties);

11 WHEREAS substantial time can be required to carefully and properly redact each Party and  
12 non-party’s confidential information (and thereby avoid inadvertent public filings of confidential  
13 information and emergency requests to lock docket entries);

14 WHEREAS the Local Rules call for a separate motion to consider sealing for each third party  
15 to be supported by a subsequent motion or declaration from the third party, *see* Civil L.R. 79-5(f);

16 WHEREAS parties in other matters pending in this District have, with Court approval,  
17 stipulated to modifications of the seal procedures set forth in the local rules to minimize the burdens of  
18 multiple sealing requests, *see, e.g.*, Stipulated Order Modifying Sealing Procedures Relating to  
19 Plaintiffs’ Motion for Sanctions, *In re Google Play Store Antitrust Litigation*, Case No. 3:20-cv-05671-  
20 JD (May 27, 2022) (Dkt. 264) (adopting procedure for omnibus sealing motion to follow completion  
21 of briefing on underlying motion); and

22 WHEREAS the Court has previously requested an omnibus filing to collect sealing requests,  
23 *see* Nov. 16, 2021 Tr. 81:9-14; Dkts. 617, 631;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED SUBJECT TO THE  
25 COURT’S APPROVAL:

- 26
- If a Party files a document for which it intends to request sealing, the Party may file the  
27 document in redacted or slip-sheet form and contemporaneously file an unredacted copy of  
28 the same document on the ECF docket, provisionally under seal, along with a 1-page interim

1 sealing motion which may indicate that the reasons for sealing will be discussed in a  
2 forthcoming omnibus sealing motion;

- 3 • The Parties and any affected third parties shall jointly file an omnibus sealing motion within  
4 14 days after the conclusion of briefing of the underlying motion or filing (including any  
5 associated filings such as *Daubert* motions or motions to strike);
- 6 • The Party filing the underlying document sought to be sealed shall bear the responsibility  
7 of: (1) notifying each affected third party regarding any of its confidential information that  
8 has been filed under seal and (2) soliciting each affected third party’s request(s) for sealing  
9 or waiver(s) of confidentiality for inclusion in the omnibus sealing motion; and
- 10 • The Party filing the underlying document sought to be sealed shall file the public-facing  
11 version of the document, with any redactions pursuant to the Court’s sealing order, within  
12 21 days following the Court’s order on the omnibus sealing motion.

13  
14 **IT IS SO STIPULATED AND AGREED.**

15  
16 Dated: September 16, 2022

GIBSON, DUNN & CRUTCHER LLP

17  
18 By: /s/ Caeli A. Higney  
Caeli A. Higney

19 *Attorney for Defendant Apple Inc.*

20  
21 Dated: September 16, 2022

WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP

22  
23 By: /s/ Rachele R. Byrd  
Mark C. Rifkin  
24 Betsy C. Manifold  
25 Rachele R. Byrd

26 *Attorneys for Consumer Plaintiffs*

**ECF SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: September 16, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Caeli A. Higney  
Caeli A. Higney

*Attorney for Defendant Apple Inc.*

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: September 26, , 2022

  
HON. YVONNE GONZALEZ ROGERS  
United States District Court Judge

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