

Case No. 12-56674

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

In re: MUSICAL INSTRUMENTS AND EQUIPMENT
ANTITRUST LITIGATION,

JOSHUA RAMSEY, et al.,

Plaintiffs - Appellants

v.

NATIONAL ASSOCIATION OF MUSIC MERCHANTS, INC., et
al.,

Defendants - Appellees

Appeal from an Order of the United States District Court
for the Southern District of California by the Honorable Larry A. Burns

**APPELLANTS' NOTIFICATION REGARDING THE FILING
OF SEALED REPLY BRIEF**

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U.S. COURT OF APPEALS
MAY 3 - 2013
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DOCKETED _____ DATE _____ INITIAL _____

**APPELLANTS' NOTIFICATION REGARDING THE FILING
OF SEALED REPLY BRIEF**

Appellants hereby notify the Court that Appellants' Reply Brief is being filed under seal pursuant to Ninth Circuit Local Rule 27-13(b). Appellants' Reply Brief directly quotes portions of Plaintiffs' Second Amended Consolidated Class Action Complaint that were redacted in the district court proceedings pursuant to a protective order. (*See* Case No. 3:09-md-02121-LAB-POR, Dkt. #178, Redacted Second Amended Complaint.) Plaintiffs filed an unredacted copy of the Second Amended complaint under seal in the district court on February 22, 2012 and in this Court on February 5, 2013 as volume II of Appellants' Excerpts of Record (*See* Dkt. #31).

The order sealing and permitting the redacted filing of Plaintiffs' Second Amended Consolidated Class Action Complaint is attached hereto as Exhibit 1.

DATED: May 2, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2013 I manually filed the following documents:

APPELLANTS' NOTIFICATION REGARDING THE FILING OF SEALED REPLY BRIEF

APPELLANTS' REPLY BRIEF

with the Clerk of Court for the United States Court of Appeals for the Ninth Circuit by mailing a copy to the Clerk via overnight Federal Express. I also served these documents on the below counsel by emailing and mailing one copy to:

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EXHIBIT 1

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: National Association of Music
Merchants, Musical Instruments and
Equipment Antitrust Litigation

MDL No. 2121

(USDC Case Nos. 09cv2002,
09cv2146, 09cv2151, 09cv2211,
09cv2267, 09cv2285, 09cv2332,
09cv2418, 09cv2423)

**ORDER GRANTING MOTIONS TO
WITHDRAW AND TO FILE
DOCUMENTS UNDER SEAL**

The docket in this case lists as “pending” several motions which have been ruled on either at hearings or in other orders. This order memorializes and formalizes those rulings.

The motion to appoint an executive committee and case administrator (Docket no. 101) was tentatively granted at the September 15, 2010 status conference unless an opposition was filed. When no opposition was filed, the motion was deemed granted, and it is ordered **TERMINATED**.

Defendants’ motion to file documents under seal (Docket no. 176) was effectively granted when the Court accepted the redacted complaint for filing, accepted lodgment of the unredacted second amended complaint, and relied on both at oral argument. The unredacted SAC contained confidential information subject to the protective order and all parties have copies of it. This motion is **GRANTED**.

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