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15 Attorneys for Defendant
16 **BURGER KING CORPORATION**

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 NATIONAL FRANCHISEE
20 ASSOCIATION, a Nevada corporation, on
21 behalf of its members and on behalf of a
22 class composed of all Burger King®
23 franchisees located in the United States,

24 Plaintiff,

25 v.

26 BURGER KING CORPORATION, a
27 Florida corporation; and THE
28 COCA-COLA COMPANY, a Delaware
corporation

Defendants.

Case No. 3:09 CV 0939 W-NLS

**JOINT MOTION TO FILE
CONFIDENTIAL DOCUMENT UNDER
SEAL**

JUDGE: Hon. Thomas J. Whelan

29 **ALL PARTIES HERETO, BY AND THROUGH THEIR RESPECTIVE COUNSEL**
30 **OF RECORD, HEREBY STIPULATE AND AGREE AS FOLLOWS:**

31 Defendants assert that the Soft Drink Agreement (“SDA”) referred to in Plaintiff’s
32 Complaint and in Defendants’ upcoming Motion to Dismiss or Transfer is highly confidential,
33 contains trade secret information, and should be filed under seal in this matter.

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1 Plaintiff National Franchisee Association (“NFA”) agrees that the SDA may be filed
2 under seal and does not intend to challenge Defendants’ assertion of confidentiality in connection
3 with Defendants’ Motion to Dismiss or Transfer. Plaintiff agrees to maintain the SDA in a
4 strictly confidential manner and will not disclose the SDA to anyone outside this litigation;
5 provided, however, the NFA may quote portions of the SDA in its anticipated Opposition to
6 Defendants’ Motion to Dismiss or Transfer Venue to the extent those portions, if any, are relevant
7 to such Opposition. Financial and volume-based information contained in the SDA will not be
8 quoted/disclosed.

9 **IT IS SO STIPULATED AND AGREED.**

10 Dated: June 29, 2009

11 DLA PIPER LLP (US)

12
13 By /s/ Timothy S. Blackford

14 Attorneys for Defendant
15 BURGER KING CORPORATION
16 tim.blackford@dlapiper.com

17 Dated: June 29, 2009

18 WILSON PETTY KOSMO & TURNER LLP

19 By /s/ Meryl C. Maneker

20 Attorneys for Defendant
21 THE COCA-COLA COMPANY
22 mmaneker@wpkt.com

23 Dated: June 29, 2009

24 SOLOMON WARD SEIDENWURM & SMITH, LLP

25 By /s/ Paul A. Reynolds

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