

4TH DISTRICT COURT  
STATE OF UTAH  
UTAH COUNTY  
JAN 31 8 05 AM '05

STANLEY J. PRESTON (4119)  
MICHAEL R. CARLSTON (0577)  
MARALYN M. REGER (8468)  
BRYAN M. SCOTT (9381)  
SNOW, CHRISTENSEN & MARTINEAU  
Attorneys for Plaintiffs  
10 Exchange Place, Eleventh Floor  
Post Office Box 45000  
Salt Lake City, Utah 84145  
Telephone: (801) 521-9000

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IN THE FOURTH JUDICIAL DISTRICT COURT  
UTAH COUNTY, STATE OF UTAH

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RALPH J. YARRO III, an individual,  
DARCY G. MOTT, an individual, and  
BRENT D. CHRISTENSEN, an individual,

Plaintiffs,

vs.

VAL NOORDA KREIDEL, an individual,  
TERRY PETERSON, an individual,  
WILLIAM MUSTARD, an individual, THE  
NOORDA FAMILY TRUST, a Trust,  
RAYMOND J. NOORDA, an individual  
and a trustee of the Noorda Family Trust,  
LEWENA NOORDA, an individual and a  
trustee of the Noorda Family Trust, and  
JOHN DOES 1 THROUGH 10,

Defendants.

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**PLAINTIFFS' MOTION TO SEAL  
AFFIDAVITS, AND  
MOTION FOR PROTECTIVE  
ORDER**

Civil No. 050400205

Honorable Anthony W. Schofield, Div. 8

Plaintiffs hereby move the Court for an Order sealing four affidavits submitted by persons who hold management positions in certain Canopy portfolio companies. Said affidavits are filed concurrently herewith in support of Plaintiffs' Motion for Temporary Restraining Order and

Application for Preliminary Injunction. Plaintiffs request that the four affidavits be sealed and that the contents, as well as the identities of those persons providing the four affidavits, only be viewed by or disclosed to Court personnel, the parties, and their counsel.

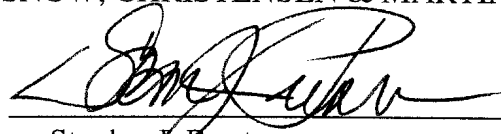
Plaintiffs make this Motion to Seal on the grounds that the four affidavits contain highly sensitive and confidential information regarding the Canopy portfolio companies. The affidavits disclose confidential and proprietary information regarding pending business transactions relating to certain Canopy portfolio companies. These business transactions have the potential to generate millions of dollars of revenue and any disturbance to these transactions could be devastating. The affidavits also contain information regarding ongoing litigation matters which are sensitive and confidential.

Plaintiffs also seek a Protective Order on the grounds that the affiants and the portfolio companies they manage should not be subjected to retaliatory action by defendants for providing testimony in this litigation. Accordingly, plaintiffs seek a Court order barring defendants from taking any retaliatory action against any person or entity who provide testimony (through deposition, affidavit or otherwise) related to this litigation.

Granting Plaintiffs' Motions will reduce the risk of harm to the affiants and the Canopy portfolio companies.

DATED this 30<sup>th</sup> day of January, 2005.

SNOW, CHRISTENSEN & MARTINEAU



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Stanley J. Preston  
Michael R. Carlston  
Attorneys for Plaintiffs