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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Mark H. Goldberg, et al.,

) No. CV-05-2670-PHX-JAT

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Plaintiffs,

) **ORDER**

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vs.

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Pacific Indemnity Company, et al.,

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Defendants.

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Plaintiffs have filed a Motion to File Under Seal (Doc. #750). Plaintiffs have filed a
Lodged Issue Brief (Doc. #751).¹ A party seeking to seal a judicial record bears the burden
of overcoming the strong presumption in favor of open access to court documents and
proceedings. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.
2006). Pursuant to *Kamakana*, 447 F.3d at 1179, and *Phoenix Newspapers, Inc. v. United
States District Court for the District of Arizona*, 156 F.3d 940, 946-47 (9th Cir. 1998),
Plaintiffs must provide compelling reasons for sealing the brief and the transcript of any
proceedings regarding the brief. The Court finds that Plaintiffs have not provided compelling
reasons for sealing the issue brief.²

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¹The Court notes that the Lodged Issue Brief exceeds the Court’s three-page limit for trial briefs.

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²Sealing documents may be appropriate when court files might become a vehicle for improper purposes, such as the use of records to promote public scandal or to circulate

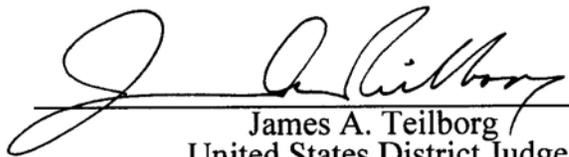
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Accordingly,

IT IS ORDERED DENYING Plaintiffs' Motion to File Under Seal (Doc. #750). Plaintiffs may file an unsealed version of the issue brief if they would like, or they can make the appropriate objections at the appropriate time during trial.

IT IS FURTHER ORDERED that the Clerk of the Court shall strike the issue brief currently lodged at Docket #751.

DATED this 5th day of September, 2008.


James A. Teilborg
United States District Judge

libelous statements. *Kamakana*, 447 F.3d at 1179. But in this case, it is the Plaintiffs that would be spreading allegedly improper characterizations by filing the brief.