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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Medicis Pharmaceutical Corporation,)

No. CV 10-1780-PHX-JAT

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Plaintiff,)

ORDER

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vs.)

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Acella Pharmaceuticals Incorporated,)

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Defendant.)

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On August 4, 2011, the Court denied Defendant Acella Pharmaceuticals, LLC's Motion for Leave to File Its Unredacted Motion for Summary Judgment and Memorandum of Law and Accompanying Statement of Material Facts Under Seal. (Doc. 236.) The Court ordered the parties to file a stipulation containing compelling reasons for sealing the memorandum in support of Acella's motion for summary judgment and accompanying statement of material facts and exhibits. On August 9, 2011, Acella filed another Motion for Leave to File its Unredacted Motion for Summary Judgment and Memorandum of Law and Accompanying Statement of Material Facts Under Seal. (Doc. 241.) The new Motion referenced the stipulation the Court ordered the parties to file, but the parties forgot to file the stipulation. After prompting from the Court (Doc. 244), the parties filed their Stipulation (Doc. 245) on August 19, 2011.

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The Court starts with a strong presumption in favor of public access to court records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party that

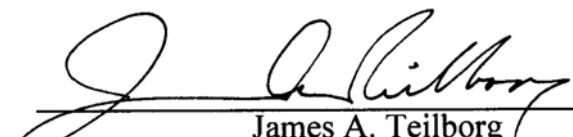
1 wants to seal any part of a dispositive motion must overcome this strong presumption with
2 compelling reasons for sealing. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172,
3 1179 (9th Cir. 2006). To seal any part of non-dispositive motion, a party still must
4 demonstrate good cause. *Id.* at 1180.

5 After reviewing Acella's Motion and the parties' Stipulation, the Court finds that the
6 parties have not demonstrated compelling reasons for filing the Unredacted Motion for
7 Summary Judgment and Memorandum in Support under seal. The Court therefore will deny
8 that portion of the Motion to Seal. The Court finds that the parties have met their burden for
9 sealing the Accompanying Statement of Material Facts and requested Exhibits. The Court
10 therefore will grant that portion for the Motion.

11 The Clerk will strike Acella's Lodged Proposed Unredacted Motion for Summary
12 Judgment and Memorandum of Law (Doc. 242). Pursuant to Local Rule of Civil Procedure
13 5.6(e), Acella shall have five days from the date of this Order to resubmit the stricken Motion
14 for Summary Judgment and Memorandum of Law for filing into the public record. The
15 Clerk shall file under seal Acella's Lodged Proposed Unredacted Statement of Material Facts
16 in Support of its Motion for Summary Judgment and Exhibits currently lodged at Docket
17 243. Accordingly,

18 **IT IS ORDERED DENYING** in part and **GRANTING** in part Acella's Motion for
19 Leave to File its Unredacted Motion for Summary Judgment and Memorandum of Law and
20 Accompanying Statement of Material Facts Under Seal (Doc. 241). It is ordered denying the
21 Motion with regard to Acella's Proposed Unredacted Motion for Summary Judgment and
22 Memorandum in Support. The Clerk therefore shall strike the proposed document at docket
23 entry 242. It is ordered granting the Motion in all other respects. The Clerk therefore shall
24 file under seal the proposed document lodged at docket entry 243.

25 DATED this 31st day of August, 2011.

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James A. Teilborg
United States District Judge