

1 **WO**

2

3

4

5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8

9 Medicis Pharmaceutical Corporation,) No. CV 10-1780-PHX-JAT

10 Plaintiff,) **ORDER**

11 vs.)

12

13 Acella Pharmaceuticals Incorporated,)

14 Defendant.)

15

16 Plaintiff Medicis Pharmaceutical Corporation (“Medicis”) has filed a Motion for
17 Leave to File Under Seal its Counterstatement of Material Facts and Statement of Additional
18 Material Facts and Exhibits 1 (Exhibit H only), 2 (Exhibits A and B only), 3, 6, and 9. (Doc.
19 254.) Medicis also filed a Motion for Leave to File Excess Pages in Support of its
20 Memorandum of Law in Opposition to Acella’s Motion for Summary Judgment. (Doc. 257.)

21 Regarding the Motion to Seal, the Court starts with a strong presumption in favor of
22 public access to court records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135
23 (9th Cir. 2003). A party that wants to seal any part of a dispositive motion must overcome
24 this strong presumption with compelling reasons for sealing. *Kamakana v. City and County*
25 *of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). To seal any part of non-dispositive
26 motion, a party still must demonstrate good cause. *Id.* at 1180.

27 The Court finds, based on its prior ruling on Acella’s Motion to Seal and Medicis’s
28 pending Motion to Seal, that Plaintiff has demonstrated compelling reasons for sealing its

1 Counterstatement of Material Facts and Statement of Additional Material Facts and Exhibits
2 1 (Exhibit H only), 2 (Exhibits A and B only), 3, 6, and 9. The Court therefore will grant the
3 Motion to File Under Seal.

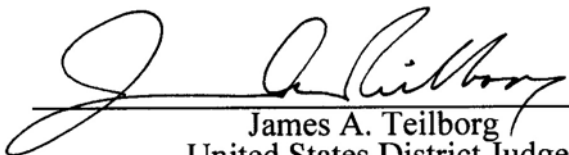
4 The Court further finds good cause for granting Medicis's page extension request.
5 The Court therefore will grant that Motion and will allow Medicis to file its twenty-one page
6 Opposition.

7 Accordingly,

8 **IT IS ORDERED GRANTING** Plaintiff Medicis Pharmaceutical Corporation's
9 Motion for Leave to File Under Seal. The Clerk shall file under seal the documents currently
10 lodged at Docket 255.

11 **IT IS FURTHER ORDERED GRANTING** Plaintiff Medicis Pharmaceutical
12 Corporation's Motion for Leave to File Excess Pages in Support of its Memorandum of Law
13 in Opposition to Acella's Motion for Summary Judgment (Doc. 257). The Clerk shall file
14 into the record the documents currently lodged at Dockets 252 and 253.

15 DATED this 8th day of September, 2011.

16
17
18 
19 _____
20 James A. Teilborg
21 United States District Judge
22
23
24
25
26
27
28