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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Red River Resources Inc.,	)	No. CV 11-2589-PHX-FJM
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Mariner Systems Inc. et al,	)	
Defendant.	)	

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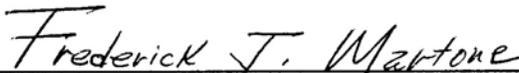
The court has before it defendant's Motion to Seal the Complaint (doc. 11), plaintiff's Response (doc. 21), and defendant's Reply (doc. 27), along with associated declarations. Defendant alleges that the complaint contains its trade secrets. Plaintiff contends it does not, and that the matters sought to be sealed are the very subject of its case. The parties agree that under *Kamakana v. Honolulu*, 447 F. 3d 1172 (9<sup>th</sup> Cir. 2006), compelling reasons must be shown to overcome the public's right to know what is going on in its courts.

This is a business deal gone sour. The parties despise each other. Indeed, plaintiff alleges that defendant's principal is a fraud, and defendant alleges that plaintiff's principal is a demented, confused person who "threatened to kill his business associate". Under these circumstances, the likelihood that this case can be processed under seal in any way is unrealistic. All of these allegations will come out in the wash: motions, depositions and trial. Sealing the complaint would just cascade into a never ending request to seal more.

We do not believe defendant has made a strong case for the protection of trade secrets. The expectation of secrecy was substantially diminished when defendant shared much of the

1 information with plaintiff as a potential investor. Moreover, unlike most cases in which the  
2 alleged secrets are collateral to the main event, the alleged secrets here are at the heart of the  
3 case. The court's ability to process the case and the public's right to know outweigh any  
4 economic value to the alleged secrets. Accordingly, the reasons to seal here are not  
5 sufficiently compelling to justify sealing. It is therefore ORDERED DENYING defendant's  
6 Motion to Seal. (Doc. 11).

7 DATED this 6<sup>th</sup> day of March, 2012.

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 Frederick J. Martone  
11 United States District Judge  
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