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

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9 Vanity.Com, Inc.,
10 Plaintiff,

) No. CV 12-1446-PHX-JAT (Lead)
) CV 12-2120-PHX-JAT (Cons)

11 vs.

ORDER

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13 Vanity Shop of Grand Forks, Inc.,

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Pending before the Court is the parties’ stipulation to file a motion to disqualify under seal (Doc. 43). The stipulation also seeks to seal exhibits D-G of the motion, but nonetheless lodged the entire motion and all exhibits under seal.

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¹ For a non-dispositive motion, the standard is “good cause.” *Kamakana*, 447 F.3d at 1179.

1 showing of good cause with respect to any individual document.” *San Jose Mercury News,*
2 *Inc. v. U.S. District Court - - Northern District (San Jose)*, 187 F.3d 1096, 1103 (9th Cir.
3 1999).

4 Finally, generalized statements supporting sealing are inadequate; a party must
5 articulate specific facts to justify sealing, and must do so with respect to each item sought to
6 be sealed. *Kamakana*, 447 F.3d at 1183-84. Thus, after balancing the competing interests
7 of the public and the party who seeks to keep certain judicial records secret, “if the court
8 decides to seal certain judicial records, it must base its decision on a compelling reason [or
9 good cause] and articulate the factual basis for its ruling, without relying on hypothesis or
10 conjecture.” *Id.* at 1179 (internal quotations omitted).

11 Here, the parties seek to seal the entire motion. That request is denied. For example,
12 page 3 starting at line 23.5 through page 4 at line 16 is a recitation of the law. The Court can
13 think of no reason why a legal standard citing published cases would need to be sealed.

14 Additionally, the parties argue that the information they wish to seal is confidential
15 business, marketing and financial information. However, the parties do not cite a single case
16 where a Court has found any of this type of information to fall within the good cause or
17 compelling reasons standard. Finally, the parties cannot make a blanket assertion that all of
18 this information is “confidential.” They must make a particularized showing as to each
19 document from which this Court can “articulate the factual basis for its ruling.” *See id.* at
20 1179 (internal quotations omitted); *see also Apple Inc. v. Psystar Corp.*, 658 F.3d 1150,
21 1161-62 (9th Cir. 2011) (reversing and remanding because the district court failed “to
22 articulate any reasoning or findings underlying its decision to seal”).

23 Based on the foregoing,

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