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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Joshua Hatch,

10 Plaintiff,

11 v.

12 Pearson Education Incorporated,

13 Defendant.  
14

No. CV-20-02223-PHX-GMS

**ORDER**

15  
16 Pending before the Court are Defendant Pearson Education, Inc. (“Pearson”) and  
17 Plaintiff Joshua Hatch’s Motions to Seal (Docs. 65 and 84, respectively). For the reasons  
18 below, the motions are denied.

19 **DISCUSSION**

20 A party seeking to seal “motions for summary judgment and related attachments”  
21 must overcome a “strong presumption of access to judicial records” and articulate  
22 “compelling reasons supported by specific factual findings” that justify sealing the records.  
23 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). Potential  
24 revelations of trade secrets, business strategies, and proprietary information can be  
25 “compelling reasons” that justify motions to seal because such revelations “harm a  
26 litigant’s competitive standing.” *Foltz vs. State Farm Mut. Auto, Ins. Co.*, 331 F.3d 1122,  
27 1135 (9th Cir. 2003); *Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 593, 598 (1978).  
28 “If the court agrees that the party’s compelling reasons outweigh the public’s right to

1 access, it must ‘articulate the factual basis for its ruling, without relying on hypotheses or  
2 conjecture.’” *New Phase Dev. LLC v. Cook*, No. 4:13-CV-00520-REB, 2016 WL 1755374,  
3 at \*3 (D. Idaho May 2, 2016) (quoting *Kamakana*, 447 F.3d at 1178–79).

4 First, Defendants have asked the Court to seal hundreds of pages marked  
5 “confidential.” Defendant’s Motion must be denied because they have included  
6 non-confidential, public documents along with the documents they wish to seal, and “it is  
7 not possible to seal only certain documents filed together with public documents.” *Doe v.*  
8 *Ariz.*, No. CV-18-00384-PHX-GMS, at \*1 (D. Ariz. Apr. 11, 2019). Further, on many  
9 pages marked confidential (notably within deposition transcripts) Defendants have not  
10 identified which portions of the documents should be redacted, nor have they provided  
11 discrete justifications for why the Court should seal these documents. *See Marsteller v.*  
12 *MD Helicopter Inc.*, No. CV-14-01788-PHX-DLR, 2017 WL 5479927, at \*3 (D. Ariz.  
13 Nov. 15, 2017) (denying a motion to seal because of defendant’s failure to isolate portions  
14 of documents that would cause harm with “clarity and specificity”). While Defendants  
15 offer generalized reasons in support of their Motion, the Court will not independently  
16 evaluate each document marked “confidential” and hypothesize about which generalized  
17 reason supports sealing the document. (Doc. 65 at 2.) More specificity is required to  
18 succeed on a motion to seal.

19 Next, Plaintiffs have asked the Court to seal various exhibits “for the reasons  
20 outlined in Defendant’s Motion to Seal.” (Doc. 84 at 1.) Both parties agree that these  
21 documents are confidential and should be sealed. (*See, e.g.*, Doc. 68-2 at 36, 50.)  
22 Nevertheless, for all the reasons Defendant’s Motion fails, so does Plaintiff’s: his  
23 documents are not partially redacted, marked as confidential, or separated from public  
24 documents. Additionally, as with its own Motion to Seal, Defendant has not offered  
25 sufficiently specific reasons for sealing these documents. Accordingly, the Court denies  
26 Defendant and Plaintiffs’ Motions to Seal without prejudice.

## 27 CONCLUSION

28 The parties may refile their Motions with particularized requests and properly

1 redacted documents by December 9, 2022.

2 Accordingly,

3 **IT IS HEREBY ORDERED** that Defendant's Motion to Seal Document re:  
4 Motion for Summary Judgment (Doc. 65) is **DENIED** without prejudice.

5 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Seal (Doc. 84) is **DENIED**  
6 without prejudice.

7 **IT IS FURTHER ORDERED** that the parties shall refile their Motions to Seal  
8 with specific requests and properly redacted documents no later than **December 9, 2022**.

9 Dated this 18th day of November, 2022.

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11 G. Murray Snow  
12 Chief United States District Judge