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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 TD Professional Services,
10 Plaintiff,
11 v.
12 Truyo Incorporated, et al.,
13 Defendants.
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No. CV-22-00018-PHX-MTL

ORDER

15 Before the Court is Defendant's motion to seal (Doc. 156) Exhibit D in support of
16 its response to Plaintiff's motion for sanctions (Doc. 154). The motion to seal is unopposed.

17 The public has a right to inspect and copy public judicial records and documents.
18 *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 567 (1978). Although that right is not
19 absolute, there is a "strong presumption in favor of access to court records." *Ctr. for Auto*
20 *Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *Foltz v. State*
21 *Farm Mut. Aut. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The party seeking to seal a
22 judicial record bears the burden of overcoming that presumption by either showing
23 "compelling reasons" if the record is a dispositive motion or "good cause" if the record is
24 a non-dispositive motion. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172,
25 1179–80 (9th Cir. 2006); *see also Ctr. for Auto Safety*, 809 F.3d at 1096–97.

26 Defendants asks the Court to seal Exhibit D, which is part of its response to
27 Plaintiff's motion for sanctions related to a discovery dispute—a non-dispositive motion.
28 (Doc. 156; Doc. 158.)

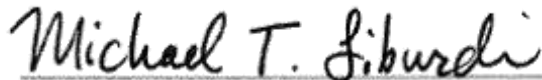
1 The Court finds good cause exists for filing Exhibit D under seal. Exhibit D contains
2 confidential financial and client information related to the Truyo Platform (*see* Doc. 158),
3 which if made public may cause Defendants competitive harm upon its public disclosure.
4 *See BBK Tobacco & Foods LLP v. Cent. Coast Agric. Inc.*, 2021 WL 5578864, at *4 (D.
5 Ariz. Nov. 29, 2021) (“Past financial data may meaningfully predict a company’s future
6 business plans, such that public disclosure of such information may provide a competitive
7 advantage to a company’s competitors.” (cleaned up).)

8 Accordingly,

9 **IT IS ORDERED** granting Defendants’ motion to seal (Doc. 156).

10 **IT IS FURTHER ORDERED** directing the Clerk of Court to file under seal
11 Proposed Exhibit D (lodged January 25, 2024, at Doc. 158).

12 Dated this 8th day of May, 2024.

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16 Michael T. Liburdi
17 United States District Judge
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