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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-9942 GAF (AGR _x)	Date	October 2, 2014
Title	LegalZoom.com Inc v. Rocket Lawyer Incorporated		

Present: The Honorable	GARY ALLEN FEESS		
Stephen Montes Kerr	None	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:		
None	None		

Proceedings: (In Chambers)

ORDER RE: APPLICATION TO FILE UNDER SEAL

The Court is currently in receipt of an application to file under seal, submitted by Plaintiff LegalZoom.com (“Legal Zoom”). (Docket No. 132 [Appl.].) Legal Zoom seeks to supplement the factual record in opposition to Rocket Lawyer’s Motion for Summary Judgment with unredacted documents Legal Zoom has recently become aware of that were not previously included in Legal Zoom’s filings, unredacted versions of the Motion to Supplement the Factual Record, portions of Barak Vaughn’s declaration describing Exhibits L-Q to his declaration and Exhibits L-Q themselves. (*Id.* at 2.) Legal Zoom urges that good cause exists to seal these documents because they are “subject to the Court’s protective order and the sealing of these documents is necessary in order to protect information that Rocket Lawyer has designated as ‘confidential’ or ‘attorneys’ eyes only,’ including without limitation, confidential business information and other sensitive business data relating to Rocket Lawyer Incorporated.” (*Id.*) For the reasons given below, Legal Zoom’s application to file the documents under seal is **GRANTED in part and DENIED in part.**

While courts customarily allow the parties to establish ground rules for designating material as confidential for discovery purposes, the Court does not cede to them ultimate authority or responsibility over the sealing of documents. Thus, the fact that certain information may fall within the ambit of the parties’ protective order is of limited importance to the Court in determining whether or not an application to seal should be granted. The public has a “general right to inspect and copy public records and documents, including judicial records and documents” because it has an interest in “keep[ing] a watchful eye on the workings of public agencies.” *Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 597–98 (1978). A “strong presumption of access to judicial records applies fully to dispositive pleadings, including motions for summary judgment and related attachments.” *Kamakana v. City & Cnty. of*

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Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006). “Thus, ‘compelling reasons’ must be shown to seal judicial records attached to a dispositive motion.” (Id.)

In light of the “strong presumption of access to judicial records,” a party should not request that an entire document be filed under seal unless the document’s entire contents are confidential. See Kamakana, 447 F.3d at 1179. Instead, a party should redact those portions of the document that are confidential. The redacted copy should then be filed on the public docket and an unredacted copy should be provided to the Court.

As described above, Legal Zoom’s request includes supplementing the factual record in opposition to Rocket Lawyer’s Motion for Summary Judgment with unredacted documents Legal Zoom has recently become aware of that were not previously included in Legal Zoom’s filings, unredacted versions of the Motion to Supplement the Factual Record, portions of Barak Vaughn’s declaration describing Exhibits L-Q to his declaration and Exhibits L-Q themselves. (Appl. at 2.) Legal Zoom has filed a redacted version of its Motion to Supplement the Factual Record and the declaration of Barak Vaughn on the public docket. (See Docket No. 126 at Exhibit 1 [Redacted Motion to Supplement Factual Record]; Id. at Exhibit 3 [Redacted Decl. of Barak Vaughn].) The Court finds that the redacted portions of the motion and Exhibits L-N and Exhibit Q to the Declaration of Barak Vaughn appear to be comprised mostly of confidential information. However, the same cannot be said of Exhibit O, which is an internal email communication at Rocket Lawyer, and Exhibit P, which is an external communication between Rocket Lawyer and an employee at Google involved in performing services for Rocket Lawyer. (See Redacted Decl. of Barak Vaughn at Exhibit O and Exhibit P.) These exhibits are not confidential or subject to the Parties’ protective order. Legal Zoom has not attempted to file a redacted version of Exhibit O or Exhibit P that eliminates the supposed confidential information. Instead, Legal Zoom seeks to file the entirety of Exhibit O and Exhibit P under seal, and as discussed above, in light of the “strong presumption of access to judicial records,” a party should not request that an entire document be filed under seal unless the document’s entire contents are confidential. See Kamakana, 447 F.3d at 1179. While Exhibit O and Exhibit P’s contents are potentially embarrassing, it does not appear that they are confidential.

Because Exhibits L-N and Q appear to contain confidential information, the application to file them and any reference to them in the Motion to Supplement the Factual Record or in Barak Vaughn’s declaration under seal is **GRANTED**. However, the application to file the entirety of Exhibit O and Exhibit P and any reference to them in the Motion to Supplement the Factual Record or in Barak Vaughn’s declaration under seal is **DENIED**. Should Legal Zoom wish to submit another application to seal Exhibit O and Exhibit P, it should either appropriately redact the exhibits or explain why such redaction is impracticable. **Defendant is instructed to contact**

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the Court Clerk to either (1) arrange to pick up the materials it requested be filed under seal or (2) inform the Court that it may destroy the documents.

IT IS SO ORDERED.