

LINK: 62

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 12-9942 GAF (AGR <sub>x</sub> )	Date	July 11, 2014
Title	LegalZoom.com Inc v. Rocket Lawyer Incorporated		

Present: The Honorable	<b>GARY ALLEN FEES</b>	
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 Defendant Rocket Lawyer Incorporated (“Defendant”). (Docket No. 62 [Appl.].) Defendant seeks to file, in conjunction with its motion for summary judgment, unredacted versions of the motion itself, exhibits F-L to the Declaration of Hong-An Vu, and its separate statement of undisputed facts. (*Id.* at 2.) Defendant 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 . . . confidential business information and other sensitive business data relating to [Defendant].” (*Id.*) For the reasons given below, Defendant’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 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.*)

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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, Defendant’s request includes unredacted versions of its motion for summary judgment, separate statement of undisputed facts, and several exhibits to the Declaration of Hong-An Vu. (Appl. at 2.) Defendant has filed a redacted version of its motion for summary judgment on the public docket. (See Docket No. 60 [Redacted Motion for Summary Judgment].) The Court finds that the redacted portions of the motion and the exhibits to the Declaration of Hong-An Vu appear to be comprised mostly of confidential information. However, the same cannot be said of the separate statement of undisputed facts, which appears to include many facts that are not confidential or subject to the Parties’ protective order. Defendant has not attempted to electronically file a redacted version of the separate statement of undisputed facts that eliminates the confidential information, as it did with the motion for summary judgment. Instead, Defendant seeks to file the entire statement of undisputed facts 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. It does not appear that the entire contents of the separate statement of undisputed facts are confidential.

Because Defendant’s unredacted motion for summary judgment and exhibits F through L to the Declaration of Hong-An Vu appear to contain confidential information, the application to file them under seal is **GRANTED**. However, the application to file the entirety of the separate statement of undisputed facts under seal is **DENIED**. Should Defendant wish to submit another application to seal the separate statement of undisputed facts, it should either appropriately redact the document or explain why such redaction is impracticable. **Defendant is instructed to contact 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.**