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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CACIQUE, INC.,
Plaintiff,
v.
REYNALDO'S MEXICAN FOOD
COMPANY, LLC,
Defendant.

Case No. 2:13-cv-1018-ODW (MLGx)

**ORDER DENYING PLAINTIFF
CACIQUE'S APPLICATION TO
FILE OPPOSITION UNDER SEAL
[98] AND ORDER UNSEALING
DEFENDANT REYNALDO'S
MEXICAN'S STATEMENT OF
UNCONTROVERTED FACTS [87]**

16 Give someone an inch and they will take a mile. The applications to seal
17 documents in this case have gotten out of hand. The *only* documents to be sealed in
18 this action relate to the Cross-Motions for Summary on Defendant Reynaldo's
19 Mexican Food Company's Counterclaim. (ECF Nos. 41, 75.) These Cross-Motions
20 relate to a confidential settlement agreement that this Court ordered sealed in the early
21 stages of this case.

22 The United States Supreme Court has recognized that it is "clear that the courts
23 of this country recognize a general right to inspect and copy public records and
24 documents, including judicial records and documents." *Nixon v. Warner Commc'ns,*
25 *Inc.*, 435 U.S. 589, 597 (1978) (footnote omitted). Similarly, the Ninth Circuit has
26 stated that there is a "strong presumption in favor of access to court records." *Foltz v.*
27 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). In order to
28 override this weighty presumption, a party must demonstrate "sufficiently compelling

1 reasons” for sealing documents. *Id.* Any under seal request “must articulate
2 compelling reasons supported by specific factual findings.” *Kamakana v. City & Cnty*
3 *of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). A court will then balance the
4 public interest in access with the confidentiality and potential for misuse of the
5 information. *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995).

6 Before the Court is Plaintiff Cacique, Inc.’s Application to File Opposition to
7 Reynaldo’s Mexican’s Motion for Summary Judgment on Trademark/Trade Dress
8 Under Seal. (ECF No. 98.) The Court sees no reason why the *entire* opposition
9 including supporting documents needs to be under seal. The Court recognizes that it
10 recently allowed Reynaldo’s Mexican to file its Corrected Statement of
11 Uncontroverted Facts under seal. Upon further review, the Court finds that the *entire*
12 document is not the proper subject of an under seal order. Only one or two paragraphs
13 contain financial information, and the Court fails to see, without more information,
14 why the entire document should be sealed.

15 For the reasons stated above, the Court hereby **ORDERS** the following:

- 16 (1) Cacique’s Application to File Opposition to Reynaldo’s Motion for Summary
17 Judgment on Trademark/Trade Dress Under Seal is **DENIED**. (ECF No. 98.)
18 (2) The Court’s Order sealing Reynaldo’s Mexican’s Corrected Statement of
19 Uncontroverted Facts is **VACATED**. (ECF No. 88.)
20 (3) Reynaldo’s Mexican’s Corrected Statement of Uncontroverted Facts shall be
21 **UNSEALED** by the clerk of the court. (ECF No. 87.)

22 **IT IS SO ORDERED.**

23
24 December 27, 2013

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28 **OTIS D. WRIGHT, II**
UNITED STATES DISTRICT JUDGE