

E-FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-4460 GHK (MRWx) Date December 4, 2014

Title *Rupa Marya, et al. v. Warner/Chappell Music, Inc.*

Presiding: The Honorable

GEORGE H. KING, CHIEF U. S. DISTRICT JUDGE

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order re: (1) Joint Application to File Under Seal [Unredacted] Exhibits of Joint Evidentiary Appendix; (2) Notice of Manual Filing [Dkt. 167]

On November 26, 2014, the Parties filed the above-captioned Application, seeking to file exhibits under seal in connection with the pending Cross-Motions for Summary Judgment set for hearing on January 26, 2015. [Dkt. 179.] The Parties failed to address the relevant legal standard in their Application. They mistakenly assumed that the “good cause” standard used for filing documents under seal in discovery matters applies to filing documents under seal in connection with a summary judgment motion. In a dispositive motion, the party seeking to seal the judicial record bears the burden of meeting the “compelling reasons” standard. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). This is a higher standard than the good cause standard. *Id.*, 447 F.3d at 1180. “The mere fact that the production of records may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not, without more,” satisfy the compelling reason standard. *Id.* at 1179. Rather, the party must show that the court records could “become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Id.* While the existence of a protective order rebuts the presumption of public access under the good cause standard, it is not adequate, by itself, to rebut the presumption under the more demanding compelling reasons standard. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003).

The Parties’ Application is hereby **STRICKEN**. The Parties **SHALL within 14 days hereof** either submit a new Application identifying the compelling reasons for why we should seal these documents or else file the documents publically. In the Application, the Parties must make a specific factual showing as to their claimed compelling reasons for seeking to seal *each* document, or portion thereof, and include discussion of all relevant factors. If the Parties intend for an entire exhibit to be sealed, they must make a showing commensurate with the broad scope of such a request. Failure to resubmit these documents will be deemed consent to the striking of any references to the documents from the Parties’ Joint Brief and Statement of Uncontroverted Facts.

The Parties’ manual submission of the exhibits to be sealed was also deficient. On November 25, 2014, the Parties filed a Notice of Manual Filing indicating that a large number of exhibits would be manually filed. [Dkt. 167.] Some of these exhibits were to be filed under seal; some were not. The Parties then submitted all of these exhibits in bulk without caption pages identifying the exhibit number

