

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

C&G FARMS, INC.,  
GEORGE AMARAL RANCHES, INC.,  
Plaintiffs,

CASE NO. CV F 09-0032 LJO SKO

**ORDER DENYING MOTION  
TO SEAL DOCUMENTS**

vs.

CAPSTONE BUSINESS CREDIT, LLC,  
et al.

## Defendants.

Plaintiff George Amaral Ranches, Inc. submitted a request to seal documents it seeks to file in support of its Motion for Summary Judgment. (Doc. 115, 123.) The documents requested to be sealed are identified as Exhibits 1 through 23. According to plaintiff's request, the documents "have been designated as 'Confidential'" pursuant to the Court's protective order. The protective order designates "confidential information" as:

"Confidential Information" means any trade secret, proprietary, financial, accounting, private employment data, customer data, and other information that should be restricted from public information. (Doc. 27.)

25 There is a strong presumption in favor of public access to judicial documents. *Phillips ex rel.*  
26 *Estates of Byrd v. General Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002). Every court, however,  
27 has inherent, supervisory power over its own records and files. Thus, even where a right of public access  
28 exists, access may be denied where the court determines that court-filed documents may be used for

1 improper purposes. *Hagestad v. Tragesser*, 49 F3d 1430, 1433–1434 (9th Cir. 1995). “Compelling  
2 reasons” must be shown to seal judicial records attached to a dispositive motion (e.g., motion for  
3 summary judgment). Such reasons may include using the records “to gratify private spite, promote  
4 public scandal, circulate libelous statements, or release trade secrets.” *Kamakana v. City & County of*  
5 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The public policies that support the right of access to  
6 dispositive motions, and related materials, do not apply with equal force to non-dispositive materials.  
7 *Kamakana*, 447 F.3d at 1179.

8        Here, plaintiff's ground for the request to seal is the existence of the protective order. This  
9 ground does not establish a "compelling" reason to seal all exhibits. Indeed, there is a strong public  
10 interest in access to information. While some or all of the requested documents may have been sealed  
11 previously, the Court finds that plaintiff has failed to state a compelling reason to do so now. The  
12 "compelling reasons" standard is invoked even if the dispositive motion, or its attachments, were  
13 previously filed under seal or protective order. *Kamakana*, 447 F.3d at 1179. Plaintiff has failed to  
14 provide any reasons to justify wholesale sealing of every exhibit submitted in support of the motion for  
15 summary judgment.

16 For the foregoing reasons, the Court DENIES the motion to seal documents without prejudice.  
17 Plaintiff may file a request which narrowly tailors documents to be sealed so as to protect only that  
18 information that is confidential.

19 || IT IS SO ORDERED.

20 || **Dated: January 19, 2011**

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**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE