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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERALD CARLIN, JOHN RAHM, PAUL
ROZWADOWSKI and DIANA WOLFE,
individually and on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

DAIRYAMERICA, INC., and CALIFORNIA
DAIRIES, INC.

Defendants

Case No. 1:09-cv-00430-AWI-EPG

ORDER GRANTING IN PART AND
DENYING IN PART AMENDED
REQUEST TO SEAL EXHIBITS TO THE
JOINT STATEMENT REGARDING
PARTIES' DISCOVERY DISPUTES AND
FILE REDACTED VERSIONS

(Doc. 465)

This matter comes before the Court on Defendant DairyAmerica, Inc.'s
("DairyAmerica") Amended Request to Seal Exhibits A, C, E, and H to the Joint Statement
Regarding Parties' Discovery Disputes and File Redacted Versions. (ECF No. 465).

On August 9, 2017, the Court denied a prior request to seal these same documents, and
found that DairyAmerica failed to make a particularized showing that good cause exists to seal
the requested documents.¹ (ECF No. 464).

DairyAmerica filed the instant amended request on August 11, 2017. Having considered
the Amended Request (ECF No. 465), papers submitted in support and opposition, and good
cause appearing, the Request is GRANTED in part and DENIED in part.

The Court finds good cause for redactions to information meeting the definition of Rule
26(c)(1)(G) of the Federal Rules of Civil Procedure (i.e. trade secrets or other confidential

¹ The Court incorporates by reference the legal standards applicable to this request as provided in the
August 9, 2017 order.

1 research, development, or commercial information). Although the Court is not entirely sure why
2 this information is necessary to resolve the pending discovery disputes, it will permit these
3 redactions at this time.

4 The Court does not find sufficient justification for any other redactions. In addition to the
5 reasons provided in the August 9, 2017 order concerning the Court's intention regarding briefing
6 of the pending discovery disputes, the Court finds that the other reasons provided by
7 DairyAmerica do not provide good cause to grant the request. For instance, it is not sufficient
8 that documents have been filed under seal previously or that a document should be filed under seal
9 because it has been marked as confidential by a party or third-party.

10 The Court also notes that DairyAmerica submitted "a portion of the English Declaration
11 and Exhibit 2 were submitted *in camera* to preserve protection of privilege." (ECF No. 465, p. 4-
12 5). The Court is not ordering that *in camera* submissions be filed, so the request to seal them
13 when filed is moot.²

14 Accordingly, the Court GRANTS in part and DENIES in part the Amended Request to
15 Seal as follows:

- 16 1. DairyAmerica shall file their briefs and exhibits no later than three (3) days following
17 this order;
- 18 2. DairyAmerica may redact information meeting the definition of Rule 26(c)(1)(G) of
19 the Federal Rules of Civil Procedure; and
- 20 3. DairyAmerica shall provide a declaration to epgorders@caed.uscourts.gov supporting
21 the sensitive confidential nature of the redacted information within thirty (30) days of
22 this order.

23
24 IT IS SO ORDERED.

25 Dated: August 15, 2017

26 /s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE

27
28 ² That said, the Court never solicited or agreed to consider material *in camera* regarding this motion, and does not agree to consider such material in its decision.