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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERAWAN FARMING, INC. a California Corporation,

Plaintiff,

v.

PRIMA BELLA PRODUCE INC., a California Corporation,

Defendant.

Case No.: 1:10-CV-00148 LJO JLT

ORDER GRANTING IN PART AND DENYING IN PART REQUEST TO SEAL

(Doc. 94)

Before the Court is Plaintiff’s request to seal records (Doc. 94) filed in connection with Defendant’s motion to compel Plaintiff to provide amended responses to interrogatories, to produce documents and to submit to a Fed. R. Civ. P. 30(b)(6) deposition. (Doc. 79)

“A motion to seal documents that are not part of the judicial record, such as ‘private materials unearthed during discovery,’ is governed by Federal Rule of Civil Procedure 26(c).” Seals v. Mitchell, 2011 U.S. Dist. LEXIS 38654 at * 2-3 (N.D. Cal. Mar. 30, 2011). The Court may grant a protective order “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Pintos v. Pacific Creditors Ass’n, 605 F.3d 665, 678 (9th Cir. 2010).

To determine whether materials attached to a non-dispositive motion should be filed

1 under seal, the Court must evaluate whether “‘good cause’ exists to protect th[e] information
2 from being disclosed to the public by balancing the needs for discovery against the need for
3 confidentiality.” Pintos, at 678 (quoting Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.,
4 307 F.3d 1206, 1213 (9th Cir. 2002)).

5 Here, the documents sought to be sealed, in part, relate to proprietary information
6 maintained by Plaintiff about its ongoing business operations. As a result, the Court finds good
7 cause to ORDER the following pages SEALED:

8 1. The following pages of Plaintiff’s Request to Seal Documents are **SEALED**:

- 9 a. Pages 4, 5, 6, 7 of Exhibit G to the Declaration of Jill Pietrini;
- 10 b. Page 3 of Exhibit H to the Declaration of Jill Pietrini;
- 11 c. The entirety of Exhibit J to the Declaration of Jill Pietrini;
- 12 c. The Clerk of the Court is **DIRECTED** to file these pages under seal;

13 2. The following pages of Plaintiff’s Request to Seal Documents are **NOT**
14 **SEALED**:

- 15 a. The entirety of Exhibit F to the Declaration of Jill Pietrini;
- 16 b. All remaining pages of Exhibit H to the Declaration of Jill Pietrini
17 including pages 2, 3, 8;
- 18 c. Counsel for Defendant is **ORDERED** to file these pages in the public
19 docket.

20 IT IS SO ORDERED.

21 Dated: June 14, 2011

22 /s/ Jennifer L. Thurston
23 UNITED STATES MAGISTRATE JUDGE
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