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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E. & J. GALLO WINERY, a California
corporation,

Plaintiff,

v.

PROXIMO SPIRITS, INC., et al,

Defendants.

) Case No.: 1:10-cv-00411 LJO JLT
)
)
) ORDER GRANTING IN PART AND
) DENYING IN PART DEFENDANT’S
) REQUEST TO SEAL DOCUMENTS
) RELATED TO MOTION TO AMEND
) ANSWER TO COUNTERCLAIMS
)
) (Doc. 112)
)
)
)
)

Before the Court is the Request to Seal Documents, filed by Defendant/Counterplaintiffs, related to Gallo’s motion to amend its answer to the counterclaims. (Doc. 112) To make this determination, the Court must evaluate whether “‘good cause’ exists to protect th[e] information from being disclosed to the public by balancing the needs for discovery against the need for confidentiality.” Pintos v. Pacific Creditors Ass’n, 605 F.3d 665, 678 (9th Cir. 2010) (quoting Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1213 (9th Cir. 2002))

Because most of the documents or portions thereof sought to be sealed contain confidential information related to Defendant’s non-public corporation, the Court finds that the need to maintain the confidentiality of this material, outweighs the need for public disclosure.

1 Therefore, as to these materials, the motion is **GRANTED**. On the other hand, some portions of
2 the documents, set forth below, do not reveal confidential information regarding Defendant's
3 operations. As to those portions, the motion is **DENIED**.

4 Therefore, good cause appearing,

5 1. The Court **ORDERS** the following to be **SEALED**:

6 a. The portions of Defendants/Counterplaintiffs' Memorandum of Points and
7 Authorities in Opposition to Counterdefendants' Motion to Amend Answer to Counterclaims
8 requested, at:

- 9 i. Page 2, n 1, first sentence beginning with the word after "that"
10 through the end of the sentence.
- 11 ii. Page 2, n 1, second sentence beginning with the word after "facts,"
12 through the word just before "as."
- 13 iii. Page 6, line 4, beginning with the word after "that" through the
14 word before "calls" on line 6;
- 15 iv. Page 6, lines 15-18;
- 16 v. Page 7, line 2, beginning with the second sentence of the paragraph
17 through line 9;
- 18 vi. Page 7, n. 2;
- 19 vii. Page 9, line 2, beginning with the word after "companies" through
20 the word before "which" on line 4;
- 21 viii. Page 9, line 10, through the first full sentence on line 14;
- 22 ix. Page 9, line 18 through Page 10, line 2;
- 23 b. Exhibit 1 to the Declaration of John H. Choi;
- 24 c. Portions of Exhibit 2 to the Declaration of John H. Choi at:
- 25 i. Page 23, lines 2 through 10;
- 26 ii. Page 23, line 24 through Page 25, line 12;
- 27 iii. Page 179, line 2 through Page 181, line 25;

- 1 2. The Clerk of the Court is **DIRECTED** to file these pages under seal.
- 2 3. The Court **ORDERS** the following **NOT to be SEALED**:
- 3 a All remaining portions of the Defendants/Counterplaintiffs' Memorandum
- 4 of Points and Authorities in Opposition to Counterdefendants' Motion to
- 5 Amend Answer to Counterclaims requested;
- 6 b. The Declaration of John H. Choi, excluding the portions of the Exhibits
- 7 addressed above;
- 8 c. Portions of Exhibit 2 to the Declaration of John H. Choi at:
- 9 i. Page 23 line 11 through Page 23, line 23;
- 10 ii. Page 25 line 13 through Page 26, line 25.
- 11 4. The moving party is **ORDERED** to provide an electronic copy of the materials
- 12 ordered **sealed** via e-mail to JLTOrders@caed.uscourts.gov within two business
- 13 days of the date of service of this order;
- 14 5. The moving party is **ORDERED** to file electronically a redacted copy of the
- 15 materials ordered **not to be sealed** within two business days of the date of service
- 16 of this order.

17 IT IS SO ORDERED.

18 Dated: August 30, 2011

18 /s/ Jennifer L. Thurston
19 UNITED STATES MAGISTRATE JUDGE