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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 REQUEST TO SEAL EXCERPTS OF THE REPORT OF THOMAS NECHES RELATED TO THE MOTION FOR EXTENSION OF TIME TO FILE EXPERT REPORTS  
)  
) (Doc. 118)  
)  
)  
)

Before the Court is the Request to Seal Documents, filed by Plaintiff/Counterdefendant, E.J. Gallo Winery related to its Opposition to the Motion for Extension of Time to File Expert Reports. (Doc. 126) 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))

At issue is the report of Thomas Neches regarding the damages question on behalf or Defendants/Counterplaintiffs. Review of the excerpt of the report submitted to the report makes

1 clear that it reveals information about Gallo's operations that is not publicly known or available.  
2 Thus, these portions of the report SHALL be SEALED and the motion is **GRANTED**. On the  
3 other hand, some portions of the document, as set forth below, do not reveal confidential  
4 information regarding Defendant's operations. As to those portions, the motion is **DENIED**.

5 Therefore, good cause appearing,

6 1. The Court **ORDERS** the following portions of Page 10 of the Neches report attached to  
7 Exhibit A to the Jane Gray Declaration to be **SEALED**:

- 8 a. All numbers in the "2010," "2011" and "Total" columns and all numbers in the  
9 "Total" row of the "GAL12814-70" table;
- 10 b. All numbers in the "2010" and "Total" columns and all numbers in the "Total"  
11 row of the "CAL012911" table;
- 12 c. The words following the word "are" and before the word "and" in the second line  
13 of the last paragraph;
- 14 d. The words following the word "are" in the third sentence of the last paragraph, to  
15 the end of the sentence.

16 2. The Clerk of the Court is **DIRECTED** to file these portions of page 10 of the Neches  
17 report under seal.

18 3. The Court **ORDERS** the following **NOT to be SEALED**:

- 19 a. Page 2 of 19 of the Neches report, attached as Exhibit A to the Jane Gray  
20 Declaration;
- 21 b. All remaining portions, not set forth above, of page 10 of the Neches report  
22 attached as Exhibit A to the Jane Gray Declaration.

23 4. The moving party is **ORDERED** to file electronically a copy of pages 2 and 10 of the  
24 Neches report of Exhibit A of the Jane Gray Declaration, which is redacted as set forth  
25 above, within two business days of the date of service of this order.

26 IT IS SO ORDERED.

27 Dated: September 14, 2011

28 /s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE