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GENERAL ELECTRIC COMPANY AND
17 GE WIND ENERGY, LLC

18 **UNITED STATES DISTRICT COURT**

19 **EASTERN DISTRICT OF CALIFORNIA**

20 GENERAL ELECTRIC COMPANY, a New York corporation; and GE WIND ENERGY,)
21 LLC, a Delaware limited liability company,)
22 Plaintiffs and Counter-Defendants,)
23 vs.)
24 THOMAS WILKINS, an individual,)
25 Defendant and Counter-Plaintiff.)
26 _____)
27)
28)

Case No. 1:10-cv-00674 LJO JLT

**AMENDED ORDER GRANTING
SECOND REQUEST OF PLAINTIFF,
DEFENDANT AND INTERVENOR TO
SEAL ADDITIONAL DOCUMENTS
RELATED TO DISPOSITIVE
MOTIONS**

(Docs. 444, 445, 446)

1 Before the Court are the requests of each of the parties to seal additional documents they
2 intend to use in the upcoming dispositive motions. (Docs. 444, 445, 446) It appears that the
3 documents sought to be filed under seal here, relate to oppositions to motions.

4 A motion to seal documents that are not part of the judicial record, such as “private
5 materials unearthed during discovery,” is governed by Federal Rule of Civil Procedure 26(c).
6 Pintos v. Pac. Creditors Ass’n, 605 F.3d 665, 678 (9th Cir. Cal. 2010). Under Federal Rule of
7 Civil Procedure 26(c), the Court may issue orders to “protect a party or person from annoyance,
8 embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade
9 secret or other confidential research, development, or commercial information not be revealed or
10 be revealed only in a specified way.” To make the determination whether documents should be
11 sealed, the Court must evaluate whether “‘good cause’ exists to protect th[e] information from
12 being disclosed to the public by balancing the needs for discovery against the need for
13 confidentiality.” Pintos, 605 F.3d at 678 (quoting Phillips ex rel. Estates of Byrd v. Gen. Motors
14 Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)).

15 Generally, documents filed in civil cases are presumed to be available to the public.
16 EEOC v. Erection Co., 900 F.2d 168, 170 (9th Cir. 1990); see also Kamakana v. City and County
17 of Honolulu, 447 F.3d 1172, 1178 (9th Cir.2006); Foltz v. State Farm Mut. Auto Ins. Co., 331
18 F.3d 1122, 1134 (9th Cir.2003). Documents may be sealed only when the compelling reasons
19 for doing so outweigh the public’s right of access. EEOC at 170. To determine whether such
20 documents should be sealed, the Court is to evaluate factors including, the “public interest in
21 understanding the judicial process and whether disclosure of the material could result in
22 improper use of the material for scandalous or libelous purposes or infringement upon trade
23 secrets.” Valley Broadcasting Co. v. United States District Court, 798 F.2d 1289, 1294 (9th Cir.
24 1986).

25 It is asserted that the documents sought to be sealed include confidential business records
26 of GE, patent application materials, confidential personal information, attorney client
27 communications and attorney-work product material. Such materials are properly sealed. Valley
28 Broadcasting Co. v. United States District Court, 798 F.2d 1289, 1294 (9th Cir. 1986); In re

1 Spalding Sports Worldwide, Inc., 203 F.3d 805, 806 (Fed. Cir. 2000); China Intl Travel Servs.
2 (USA) v. China & Asia Travel Serv., 2008 U.S. Dist. LEXIS 106622 at *29 (N.D. Cal. Dec. 18,
3 2008); Mine O'Mine, Inc. v. Calmese, 2012 U.S. Dist. LEXIS 53077 at *10 (D. Nev. Apr. 16,
4 2012).

5 After the Court's review, it finds that certain of the information detailed below, in fact,
6 reveals confidential, non-public information about the parties' corporate operations, information
7 that is protected by the attorney-client communication or attorney work-product privileges or
8 constitutes non-public personal information. Thus, the requests to seal are **GRANTED**.

9 Based upon the foregoing, the Court ORDERS:

10 1. The requested portions of Exhibits 3 through 24 to Mr. McGinness' declaration,
11 are ordered SEALED;

12 2. The parties SHALL file their opposition papers no later than July 13, 2012 in
13 redacted form, consistent with the Court's rulings herein.

14
15
16 IT IS SO ORDERED.

17 Dated: July 12, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE