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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERAWAN FARMING, INC.,
Plaintiff,
vs.
REHRIG PACIFIC COMPANY,
Defendant.

Case No. 1:11-cv-01273 LJO BAM
ORDER ON PLAINTIFF’S REQUEST TO
SEAL CERTAIN DOCUMENTS
(Doc. 79)

_____ /

Plaintiff Gerawan Farming, Inc. (“Plaintiff”) has filed a request to seal certain documents filed in connection with its opposition to Defendant Rehrig Pacific Company’s (“Defendant’s”) motion for summary judgment. The Court has reviewed Plaintiff’s request, and for the following reasons DENIES Plaintiff’s request without prejudice to Plaintiff filing a renewed request that includes more detail and is more narrowly tailored.

“[C]ourts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Communications, Inc., 435 U.S. 589, 597 & n.7 (1978)). Therefore, a party seeking to seal documents in connection with its briefing on a motion for summary judgment must show that compelling reasons outweigh the general history of access and public policies favoring disclosure. See Pintos v. Pac. Creditors Ass’n, 605 F.3d 665, 678 (9th Cir. 2010). Relevant factors in this regard include, for example, whether disclosure could result in improper use, such as for

1 “scandalous or libelous purposes or infringement upon trade secrets.” Id. at 679 n.6. (internal quotation
2 marks and citation omitted). In granting or denying a parties’ request to seal, the court must “articulate
3 its reasoning” and cannot rely on “hypothesis or conjecture.” Id. at 679.

4 Here, Plaintiff does not provide a legally sufficient basis for sealing certain documents. There
5 is no indication that the documents could be used for improper purposes or that disclosure would reveal
6 trade secrets. All that Plaintiff states is that the documents, which are approximately 80 pages in length,
7 were designated *by Plaintiff* as “Highly Confidential – Attorney’s Eyes Only” pursuant to the parties’
8 stipulated protective order. This, however, does not constitute a compelling reason warranting sealing.
9 See, e.g., Instrumentation Lab. Co. v. Binder, Case No. 11cv965 DMS (RBB), 2012 U.S. Dist. LEXIS
10 92316 (S.D. Cal. July 2, 2012) (denying motion to seal documents in connection with cross-motions for
11 summary judgment where the defendants’ request to seal simply stated that the materials were subject
12 to the parties’ stipulated protective order).

13 Accordingly, Plaintiff’s request to seal is DENIED without prejudice. Plaintiff may renew its
14 request to seal by no later than **noon on Wednesday, February 6, 2013**, if Plaintiff can articulate, in
15 detail, compelling reasons for sealing. In addition, any redactions to the documents must be narrowly
16 tailored.¹ If Plaintiff does not renew its request to seal, the Court expects Plaintiff to file un-redacted
17 copies of the documents by **noon on Wednesday, February 6, 2013**.

18 IT IS SO ORDERED.

19 Dated: **March 1, 2013**

/s/ **Lawrence J. O’Neill**
UNITED STATES DISTRICT JUDGE

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¹ If only a small, discrete section of the 80 pages needs to be redacted, it may be more practical to simply isolate that portion of the document into a separate exhibit so that the Court need not seal the entire 80 pages.