



1 attached to summary judgment briefs, and the lesser “good cause” standard for documents only  
2 tangentially related to the underlying causes of action, such as some discovery documents:

3 [J]udicial records attached to dispositive motions [are treated]  
4 differently from records attached to non-dispositive motions.  
5 Those who seek to maintain the secrecy of documents attached to  
6 dispositive motions must meet the high threshold of showing that  
“compelling reasons” support secrecy. A “good cause” showing  
under Rule 26(c) will suffice to keep sealed records attached to  
non-dispositive motions.

7 Kamakana v. City & Cty. of Honolulu, 447 F.3d 1172, 1180 (9th Cir. 2006) (citations omitted);  
8 see also Ctr. for Auto Safety, LLC, 809 F.3d at 1098; Pintos, 605 F.3d at 677.

9 As the Ninth Circuit has stated, a blanket protective order does not by itself demonstrate  
10 good cause, let alone compelling reasons, for sealing specific information and documents. See  
11 Kamakana, 447 F.3d at 1183 (“Although the magistrate judge expressly approved and entered the  
12 protective order, the order contained no good cause findings as to specific documents that would  
13 justify reliance by the United States . . . .”); Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d  
14 1122, 1133 (9th Cir. 2003) (“[A] party seeking the protection of the court via a blanket protective  
15 order typically does not make the ‘good cause’ showing required by Rule 26(c) with respect to any  
16 particular document.”); San Jose Mercury News, Inc. v. U.S. Dist. Ct., N. Dist., 187 F.3d 1096,  
17 1103 (9th Cir. 1999); Beckman Indus., Inc. v. Int’l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992)  
18 (“Further, because the protective order was a stipulated blanket order, International never had to  
19 make a ‘good cause’ showing under Fed.R.Civ.P. 26(c) of the need for protection of the deposition  
20 transcripts in the first place. Nor does it allege specific prejudice or harm now. Broad allegations  
21 of harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule  
22 26(c) test.”) (citations omitted); see also Jepson, Inc. v. Makita Elec. Works, Ltd., 30 F.3d 854,  
23 858 (7th Cir. 1994) (“Even if the parties agree that a protective order should be entered, they still  
24 have the burden of showing that good cause exists for issuance of that order. It is equally apparent  
25 that the obverse also is true, *i.e.*, if good cause is not shown, the discovery materials in question  
26 should not receive judicial protection.”) (citations omitted).

27 Plaintiff should have been tipped-off to the foregoing legal standard by the stipulated  
28 protective order, wherein the Court told the parties that “this protective order does not assure that

1 any of the materials protected [by the protective order] will be sealed by the Court in the event a  
2 party wishes to file them. Rather, [the parties] must comply with Local Rule 141 and meet the  
3 legal standard for sealing.” Doc. No. 48 at 7 (emphasis added). Local Rule 141(a) states that  
4 “[d]ocuments may be sealed only by written order of the Court, upon the showing required by  
5 applicable law.” L.R. 141(a) (emphasis added). Local Rule 141(b) states that the sealing request  
6 must “set forth the statutory or other authority for sealing, the requested duration, the identity, by  
7 name or category, of persons to be permitted access to the documents, and all other relevant  
8 information.”<sup>1</sup> L.R. 141(b) (emphasis added).

9 **ORDER**

10 Accordingly, IT IS HEREBY ORDERED as follows:

- 11 1. Plaintiff’s Request to Seal Documents is DENIED;
- 12 2. Pursuant to Local Rule 141(e)(1), the Clerk of Court shall RETURN to Plaintiff the  
13 documents for which sealing has been denied.

14 IT IS SO ORDERED.

15 Dated: November 13, 2019

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18 SENIOR DISTRICT JUDGE

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28 <sup>1</sup> In the event that a party files a subsequent request to seal in this lawsuit, the party is advised that all of the sealing  
procedures outlined in Local Rule 141 — which are specific and serve important judicial purposes — must be  
followed with precision.