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

E. & J. GALLO WINERY, et al.,

 Plaintiffs,

 v.

STRATEGIC MATERIALS, INC.,

 Defendant.

CASE NO. 1:17-cv-01709-EPG

ORDER GRANTING, IN PART, AND
DENYING, IN PART, MOTIONS TO SEAL

 In connection with their motions for summary judgment, motions to strike, and the various oppositions and replies thereto, Plaintiffs E. & J. Gallo Winery and Gallo Glass Company (“Gallo”) and Defendant Strategic Materials, Inc. (“SMI”) each filed notices to seal their filings. (ECF Nos. 98, 100, 105, 113, 116, 120, 123, 126). At various times, they also filed memoranda in support of the other party’s sealing motions. (ECF Nos. 103, 104, 132, 133).

 After the Court granted in part and denied in part without prejudice the motions, (ECF No. 135), the parties filed additional briefing concerning their sealing requests, (ECF Nos. 137, 138). Upon review of the materials, and for the reasons below, the Court GRANTS, IN PART, and DENIES, IN PART, the sealing requests.

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1 **I. LEGAL STANDARDS**

2 The Ninth Circuit has set forth substantial case law concerning sealing dispositive
3 motions. Local Rule 141 provides additional standards for this district.

4 The parties appear to agree that the sealing requests are governed by the compelling-
5 reason test for dispositive motions.

6 !!

7 Under this stringent standard, a court may seal records only when it finds a
8 compelling reason and articulates the factual basis for its ruling, without
9 relying on hypothesis or conjecture. The court must then conscientiously balance
10 the competing interests of the public and the party who seeks to keep certain
11 judicial records secret. What constitutes a “compelling reason” is best left to the
12 sound discretion of the trial court. Examples include when a court record might be
13 used to gratify private spite or promote public scandal, to circulate libelous
14 statements, or as sources of business information that might harm a litigant's
15 competitive standing.

16 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096–97 (9th Cir. 2016) (alterations,
17 internal quotation marks, and citations omitted).

18 Parties must also be specific when identifying the information that they seek to
19 keep sealed. As the Ninth Circuit has explained when denying a request by the
20 United States to seal documents: Although the United States identifies the
21 redactions it seeks by page number and line number, it does not provide similarly
22 specific compelling reasons to justify these redactions. Instead, the United States
23 purports to justify each redaction by listing one of four general categories of
24 privilege (privacy, law enforcement, confidential source, and ongoing
25 investigation). Simply mentioning a general category of privilege, without any
26 further elaboration or any specific linkage with the documents, does not satisfy
27 the burden.

28 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1183–84 (9th Cir. 2006).

II. APPLICATION TO PARTIES’ REQUESTS

In balancing the tests, the Court notes at the outset that it did not make any rulings based on the filings. Thus, the public’s interest at issue in the compelling reasons balancing test carries less weight. To the extent the Court orders sealing, it has weighed the public’s interest against the requesting party’s interest.

A. FILINGS AT ECF NO. 99

The Court GRANTS Gallo’s request to seal the following documents at ECF No. 99 for the noted compelling reasons:

Document	ECF #	Compelling Reason
Declaration of Alex Westmoreland in Support of Plaintiffs' Motion for Partial Summary Judgement	99-2	Paragraphs 2 and 3 of this Declaration contain data on Gallo's scrap sales. As explained in Paragraph 4 of the Declaration, this data on scrap sales is competitively sensitive information, both with respect to the absolute values and trends it reveals regarding year-to-year variation in Gallo operations. Gallo keeps this information confidential.
Exhibit M (Majewski Dep. Tr.)	99-8	This testimony contains confidential and competitively sensitive data on Gallo operations and production numbers.
Exhibit N (Mundello Dep. Tr.)	99-8	This testimony contains confidential and competitively sensitive data on Gallo operations and production numbers.
Plaintiffs and Counter-Defendants' Notice of Motion and Motion for Partial Summary Judgement on Issue of: Defendant's Claim for Damages Based on Section 19.0 of the Supply Agreement: Memorandum of Points and Authorities	99	Portions of the Points and Authorities, as noted by Gallo, submitted in support of its motion refer to the underlying confidential materials.
Plaintiffs' Separate Statement of Undisputed Facts in Support of Motion for Partial Summary Judgement	99-1	Portions of the Separate Statement of Undisputed Material Facts, as noted by Gallo, submitted in support of its motion refer to underlying confidential materials.

B. FILINGS AT ECF NO. 101

Gallo's request to seal the following documents at ECF No. 101 are granted for the compelling reasons set forth below.

Document	ECF #	Compelling Reason
Exhibit 2 (Dep. Tr. Dan Armagost)	101-6	This testimony contains confidential and competitively sensitive data on Gallo operations, recipes, and production numbers.
Exhibit 4 (Dep. Tr. Nigel Dart)	101-6	This testimony contains confidential and competitively sensitive data on Gallo operations, supplies, and vendors.
Exhibit 5 (Dep.Tr. Nigel Dart II)	101-6	This testimony contains confidential and competitively sensitive data on Gallo batch costs.
Exhibit 6 (Dep. Tr. John Gallo)	101-6	This testimony contains confidential and competitively sensitive data on Gallo operations.

1	Exhibit 8 (Dep. Tr. Lance Lemmings)	101-6	This testimony contains confidential and competitively sensitive data on Gallo operations, recipes, and production numbers.
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3	Exhibit 9 (Dep. Tr. Joe Majewski)	101-6	This testimony contains confidential and competitively sensitive data on Gallo tracking of complaints, recipes, operations, and production numbers.
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5	Exhibit 10 (Dep. Tr. Mahesh Mistry)	101-6	This testimony contains confidential and competitively sensitive data on Gallo inspection methods and the Parties' business relationship.
6			
7	Exhibit 11 (Dep. Tr. Chad Mundello)	101-6	This testimony contains confidential and competitively sensitive data on Gallo operations, recipes, and production numbers.
8			
9	Exhibit 14 (Dep. Tr. James Rhodes)	101-6	This testimony contains confidential and competitively sensitive data on Gallo inspection methods and the Parties' confidential business relationships.
10			
11	Exhibit 15 (Dep. Tr. Fong Thao)	101-6	This testimony contains confidential and competitively sensitive data on Gallo inspection methods and cullet handling.
12			
13	Exhibit 17 (Daniel Armagost DEX 6)	101-6	This document contains confidential and competitively sensitive data on Gallo inspection methods and cullet handling.
14			
15	Exhibit 18 (Daniel Armagost DEX 7)	101-6	This document contains confidential and competitively sensitive data on Gallo inspection methods and cullet handling.
16			
17	Exhibit 19 (Daniel Armagost DEX 11)	101-6	This document contains confidential and competitively sensitive data on Gallo inspection methods and cullet handling.
18			
19	Exhibit 20 (Daniel Armagost DEX 12)	101-6	This document contains confidential and competitively sensitive data on Gallo inspection methods and cullet handling.
20			
21	Exhibit 24 (John Gallo DEX 14)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations.
22			
23	Exhibit 25 (John Gallo DEX 21)	101-6	This document contains confidential and competitively sensitive data on terms and conditions in the Parties' Supply Agreement.
24			
25	Exhibit 27 (John Gallo DEX 23)	101-6	This document contains confidential and competitively sensitive data on the Parties' business relationship pursuant to the Supply Agreement.
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27	Exhibit 29 (Lance Lemmings DEX 12)	101-6	This document contains confidential and competitively sensitive data on Gallo's inspection methods and cullet quality criteria.
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	Exhibit 31 (Lance Lemmings DEX 17)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
	Exhibit 32 (Lance Lemmings DEX 21)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.

1	Exhibit 34 (Joe Majewski DEX 7)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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3	Exhibit 42 (Chad Mundello DEX 5)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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5	Exhibit 43 Chad Mundello DEX 7)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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7	Exhibit 55 (Steve Nicolai DEX 27)	101-6	This document contains confidential and competitively sensitive data on Gallo's inspection methods and the Parties' business relationship.
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9	Exhibit 56 (Steve Nicolai DEX 29)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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11	Exhibit 58 (Steve Nicolai II DEX 20)	101-6	This document contains confidential and competitively sensitive data on Gallo's costs and supplier relations.
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13	Exhibit 59 (James Rhodes DEX 3)	101-6	This document contains confidential and competitively sensitive data on Gallo's inspection methods, operations and cullet requirements.
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15	Exhibit 60 (James Rhodes DEX 9)	101-6	This document contains confidential and competitively sensitive data on Gallo's inspection methods, operations and cullet requirements.
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17	Exhibit 61 (James Rhodes DEX 12)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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19	Exhibit 62 (James Rhodes DEX 13)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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21	Exhibit 63 (James Rhodes DEX 14)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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23	Exhibit 64 (James Rhodes DEX 16)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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25	Exhibit 65 (James Rhodes DEX 17)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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27	Exhibit 66 (James Rhodes DEX 19)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
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	Exhibit 67 (James Rhodes DEX 20)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
	Exhibit 68 (James Rhodes DEX 11)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.

1	Exhibit 69 (James Rhodes DEX 21)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
2			
3	Exhibit 70 (James Rhodes DEX 23)	101-6	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
4			
5	Exhibit 71 (Foung Thao DEX 3)	101-6	This document contains confidential and competitively sensitive data on Gallo's cullet inspection process.
6	Exhibit 72 (Foung Thao DEX 4)	101-6	This document contains confidential and competitively sensitive data on Gallo's cullet inspection process.
7	Exhibit 74 (Foung Thao DEX 15)	101-6	This document contains confidential and competitively sensitive data on Gallo's cullet inspection process.
8			
9	Exhibit 75 (Foung Thao DEX 31)	101-6	This document contains confidential and competitively sensitive data on Gallo's cullet inspection process.
10	Exhibit 78 (Foung Thao DEX 39)	101-6	This document contains confidential and competitively sensitive data on Gallo's cullet inspection process and the Parties' business relationship.
11			
12	Exhibit 86 (Curt Bucey DEX 104)	101-6	This document contains confidential and competitively sensitive data on the Parties' business relationship and Supply Agreement.
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14	Exhibit 88 (GALLO_00028882)	101-6	This document contains confidential and competitively sensitive data on the Parties' business relationship and Supply Agreement.
15	Exhibit 89 (GALLO_00006349)	101-6	This document contains confidential and competitively sensitive data on the Parties' business relationship and Supply Agreement.
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17	Exhibit 90 (GALLO_00006370)	101-6	This document contains confidential and competitively sensitive data on the Parties' business relationship and Supply Agreement.
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19	Exhibit 98 (GALLO_00010588-91)	101-6	This document contains confidential and competitively sensitive data on the Parties' business relationship and Supply Agreement.
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C. FILINGS AT ECF NO. 114

Gallo's and SMI's requests to seal the following documents at ECF No. 114 are granted for the compelling reasons set forth below.

Document	ECF #	Compelling Reason
Exhibit A (Dep. Tr. Steve Nicolai)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's suppliers and recipes.
Exhibit B (Dep. Tr. Bucey)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry. This information includes the volumes, colors, and quality of cullet that SMI

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		provides Gallo, cullet prices, the manner in which the parties assess cullet quality, and how the parties conduct their business negotiations. If made public, such information could harm SMI's business relationships with current or prospective customers.
Exhibit C (Dep. Tr. James Rhodes)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's operations and quality control.
Exhibit D (Dep. Tr. Lance Lemmings)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's operations and recipes.
Exhibit E (Lance Lemmings DEX 13)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations.
Exhibit F (Dep. Tr. Fong Thao)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
Exhibit G (Dep. Tr. Dan Armagost)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
Exhibit H (Dep. Tr. Chad Mundello)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's operations, recipes and supply acquisition.
Exhibit I (Dep. Tr. Paul Faherty)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit J (draft Supply Agreement)	114-4	This document contains confidential and competitively sensitive data on the Parties' negotiation and draft of the Supply Agreement, which the Court has elsewhere allowed to be sealed in its final version.
Exhibit K (Dep. Tr. John Gallo)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's operations and the Parties' business relationship.
Exhibit L (Dep. Tr. Brian Brown)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit M (Dep. Tr. Daniel Burkard)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit N (Dep. Tr. Jimmy Rayford)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit O (DEX JR-12)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.

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Exhibit P (DEX JR-15)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit Q (DEX Bucey 79)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit U (DEX JR-12)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit V (Dep. Tr. Dennis Hinson)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit W (Faherty DEX 5)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit X (Faherty DEX 6)	114-4	This testimony reveals confidential information regarding the parties' relationship and SMI's business.
Exhibit Y (Faherty DEX 7)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit Z (Faherty DEX 8)	114-4	Confidential information regarding SMI's pricing, finances, material volumes, supply chain, and customers—the disclosure of which would severely harm SMI's competitive standing in the industry.
Exhibit AA (Faherty DEX 9)	114-4	This testimony reveals confidential information regarding the parties' relationship and SMI's business.
Exhibit BB (Mundello DEX 1)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations and cullet storage capacity.
Exhibit JJ (Foung Thao DEX 9)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations and the Parties' business relationship.
Exhibit KK (Chad Mundello DEX 4)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations, cullet quality, and the Parties' business relationship.
Exhibit MM (Lance Lemmings DEX 1)	114-4	This document contains confidential and competitively sensitive data on Gallo's batch costs.
Exhibit UU (Dep. Tr. Steve Nicolai II)	114-4	This testimony contains confidential and competitively sensitive data on Gallo's costs and operations.
Exhibit VV (Steve Nicolai II DEX 38)	114-4	This document contains confidential and competitively sensitive data on Gallo's 2015 Annual Operating Plan.

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Exhibit WW (Steve Nicolai DEX 29)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations and cullet requirements.
Exhibit XX (Steve Nicolai DEX 15)	114-4	This document contains confidential and competitively sensitive data on the Parties' Supply Agreement, cullet pricing and other elements of their business relationship.
Exhibit YY (Steve Nicolai DEX 18)	114-4	This document contains confidential and competitively sensitive data on the Parties' Supply Agreement, cullet pricing and other elements of their business relationship.
Exhibit III (Bucey DEX 78)	114-4	This document contains confidential and competitively sensitive data on the Parties' Supply Agreement, cullet pricing and other elements of their business relationship.
Exhibit LLL (Bucey DEX 109)	114-4	This document contains confidential and competitively sensitive data on the Parties' Supply Agreement, cullet pricing and other elements of their business relationship.
Exhibit MMM (Joe Majewski DEX 17)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations and storage facilities.
Exhibit OOO (DEX 15)	114-4	This document contains confidential and competitively sensitive data on Gallo's operations and quality control methods.
Exhibit VVV (Bucey DEX 59)	114-4	This document contains confidential and competitively sensitive draft of the Parties' Supply Agreement which the Court has previously allowed to be sealed in its final form. It also contains confidential information about SMI's business.
Exhibit AAAA (DEX 27)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit BBBB (DEX 34)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit CCCC (DEX 16)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit EEEE (Lemmings DEX 21)	114-4	This document contains confidential and competitively sensitive information on Gallo's operations and cullet usage. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes

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		information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit IIII (DEX 18)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit JJJJ (DEX 22)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit KKKK (DEX 46)	114-4	This document contains confidential and competitively sensitive information on Gallo's operations and cullet supplies. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit MMMM (Bucey DEX 82)	114-4	This document contains confidential and competitively sensitive information related to pricing under the Parties' Supply Agreement and other aspects of their business relationship. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit NNNN (Majewski Dep. Tr.)	114-4	This testimony contains confidential and competitively sensitive information related to Gallo's operations and recipes.
Exhibit OOOO (John Gallo DEX 12)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Exhibit PPPP (DEX 48)	114-4	This document contains confidential and competitively sensitive meeting minutes from the Parties' Quarterly Business Review. In addition, disclosure would severely harm SMI's competitive standing because the exhibit includes information regarding SMI's pricing, finances, material volumes, supply chains, and customers.
Plaintiff's Points and Authorities in Opposition to Defendant Strategic Materials, Inc.'s Motion for	114	Portions of the Points and Authorities submitted in support of its opposition refer to the above underlying confidential materials.

1	Summary Judgement		
2	Plaintiff's Response to	114-2	Portions of the Response to SMI's Separate Statement of Undisputed Material Facts refer to the above underlying confidential materials.
3	Defendants' Statement		
4	of Undisputed Facts in		
5	Support of Motion for		
6	Summary Judgement		

In addition to the foregoing, disclosure of the following exhibits to ECF No. 114-4 would severely harm SMI's competitive standing because they include information regarding SMI's pricing, finances, material volumes, supply chains, and customers:

8	Exhibit BB	Exhibit PP	Exhibit III	Exhibit UUU
9	Exhibit CC	Exhibit QQ	Exhibit JJJ	Exhibit WWW
10	Exhibit DD	Exhibit RR	Exhibit KKK	Exhibit XXX
11	Exhibit EE	Exhibit SS	Exhibit LLL	Exhibit YYY
12	Exhibit FF	Exhibit TT	Exhibit NNN	Exhibit AAAA
13	Exhibit GG	Exhibit ZZ	Exhibit OOO	Exhibit BBBB
14	Exhibit HH	Exhibit DDD	Exhibit PPP	Exhibit DDDD
15	Exhibit II	Exhibit EEE	Exhibit QQQ	Exhibit GGGG
16	Exhibit LL	Exhibit FFF	Exhibit RRR	Exhibit HHHH
17	Exhibit NN	Exhibit GGG	Exhibit SSS	Exhibit LLLL
18	Exhibit OO	Exhibit HHH	Exhibit TTT	

The following exhibits to ECF No. 114-4 contain confidential information about SMI's short and long-term business plans and strategies that could be misappropriated by competitors if made public. Therefore, there is a compelling reason to seal them:

22	Exhibit B	Exhibit DD	Exhibit II
23	Exhibit I	Exhibit EE	Exhibit TT
24	Exhibit N	Exhibit FF	Exhibit AAA
25	Exhibit U	Exhibit GG	Exhibit CCC
26	Exhibit CC	Exhibit HH	

The following exhibits to ECF No. 114-4 contain confidential information about the business relationship between the parties. This information includes the volumes, colors, and quality of cullet that SMI provides Gallo, cullet prices, the manner in which the parties assess

1 cullet quality, and how the parties conduct their business negotiations. If made public, such
 2 information could harm SMI's business relationships with current or prospective customers:

3 Exhibit B	Exhibit SS	Exhibit XXX
4 Exhibit I	Exhibit ZZ	Exhibit YYY
Exhibit L	Exhibit BBB	Exhibit AAAA
5 Exhibit M	Exhibit DDD	Exhibit BBBB
Exhibit N	Exhibit EEE	Exhibit CCCC
6 Exhibit O	Exhibit FFF	Exhibit DDDD
Exhibit P	Exhibit GGG	Exhibit EEEE
7 Exhibit Q	Exhibit HHH	Exhibit FFFF
Exhibit U	Exhibit III	Exhibit GGGG
8 Exhibit W	Exhibit JJJ	Exhibit HHHH
Exhibit Y	Exhibit KKK	Exhibit IIII
9 Exhibit BB	Exhibit LLL	Exhibit JJJJ
Exhibit LL	Exhibit NNN	Exhibit KKKK
10 Exhibit NN	Exhibit RRR	Exhibit LLLL
Exhibit OO	Exhibit SSS	Exhibit MMMM
11 Exhibit PP	Exhibit TTT	Exhibit OOOO
Exhibit QQ	Exhibit UUU	Exhibit PPPP
12 Exhibit RR	Exhibit WWW	

13 **D. FILINGS AT ECF NO. 117**

14 Gallo's request to seal the following documents at ECF No. 117 are granted for the
 15 compelling reasons set forth below.

16 Document	ECF #	Compelling Reason
17 Exhibit 2 (Dep. Tr, Lance Lemmings)	117-3	This testimony contains confidential and competitively sensitive information regarding Gallo's operations, recipes and bottle colors.
18 Exhibit 3 (Dep. Tr. Daniel Armagost)	117-3	This testimony contains confidential and competitively sensitive information regarding Gallo's operations, recipes and bottle colors.
20 Exhibit 8 (Dep. Tr. Nigel Dart)	117-3	This testimony contains confidential and competitively sensitive information regarding Gallo's operations, scrap generation, and suppliers.
22 Exhibit 10 (Dep. Tr. Nigel Dart)	117-3	This document contains confidential and competitively sensitive information from the Parties' Quarterly Business Review.
23 Exhibit 15 (Perez DEX 7)	117-3	This document contains confidential and competitively sensitive information regarding the Parties' strategic business relationship.
25 Exhibit 20 (Dep. Tr, John Gallo)	117-3	This testimony contains confidential and competitively sensitive information about the Parties' Supply Agreement and business relations.
27 Exhibit 23 (Dep. Tr. Chad Mundello)	117-3	This testimony contains confidential and competitively sensitive information about Gallo's operations and efficiencies.

1	Exhibit 24 (Dep. Tr. Joe Majewksi)	117-3	This testimony contains confidential and competitively sensitive information about Gallo's operations and efficiencies.
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3	Exhibit 25 (Dep. Tr. Steve Nicolai)	117-3	This testimony contains confidential and competitively sensitive information about Gallo's operations and efficiencies.
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5	Exhibit 27 (Dep. Tr. Nigel Dart)	117-3	This testimony contains confidential and competitively sensitive information about Gallo's market for transition glass bottles.
6			
7	Exhibit 28 (Nigel Dart DEX 3)	117-3	This document contains confidential and competitively sensitive information about Gallo's operations and cullet supplies.
8			
9	Exhibit 29 (Supplier Symposium)	117-3	This document contains confidential and competitively sensitive information about the Parties' business relationship.

10 Neither party has provided an argument as to why Exhibit 33 of ECF No. 117-3 should
11 remain sealed. Therefore, the Court will order that exhibit unsealed.

12 **E. FILINGS AT ECF NO. 124**

13 SMI seeks to (1) redact portions of its reply in support of its motion for summary
14 judgment and (2) redact portions of its reply to Gallo's responses to SMI's statement of
15 undisputed facts. (ECF Nos. 124, 124-2).

16 With respect to ECF No. 124, the portions SMI seeks to redact are (1) quotations from or
17 information about the parties' supply agreement that the Court has already otherwise sealed, (2)
18 cullet volume amounts, and (3) other confidential terms from the supply agreement. SMI has
19 shown a compelling reason to seal these.

20 With respect to ECF No. 124-2, SMI seeks to redact portions that directly quote or
21 paraphrase confidential documents. The documents at issue are ones the Court already has, or
22 currently is, finding are sealable under the compelling reasons test. For the same reasons as those
23 documents are sealable, so too are the redacted portions of ECF No. 124-2.

24 Therefore, the Court grants SMI's request to permanently redact portions of ECF Nos. 124
25 and 124-2.

26 **F. FILINGS AT ECF NO. 127**

27 Gallo's request to seal the following documents at ECF No. 127 are granted for the
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1 compelling reasons set forth below.

Document	ECF #	Compelling Reason
2 Exhibit B (Various 3 Deposition Excerpts re: 4 Batch)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's use of batch materials and related costs.
5 Exhibit C (Dep. Tr. 6 Joseph Majewski)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations.
7 Exhibit D (Dep. Tr. 8 Nigel Dart)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations.
9 Exhibit F (Dep. Tr. Chad 10 Mundello)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations and recipes.
11 Exhibit G (Dep. Tr. 12 Lance Lemmings)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations and recipes.
13 Exhibit H (Dep. Tr. Dan 14 Armagost)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations and recipes.
15 Exhibit I (Dep. Tr. 16 Joseph Majewski)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations and recipes.
17 Exhibit L (Dep. Tr. 18 James Rhodes)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's operations and storage facilities.
19 Exhibit M (Dep. Tr. 20 Steve Nicolai)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's costs and strategies.
21 Exhibit N (Dep. Tr. 22 Steve Nicolai II)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's batch costs and suppliers.
23 Exhibit O (Dep. Tr. Alex 24 Westmoreland)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's batch costs.
25 Exhibit P (Dep. Tr. 26 Stuart Harden)	127-2	This testimony contains confidential and competitively sensitive information about Gallo's batch costs.

27 **G. FILINGS AT ECF NO. 128**

28 Gallo's request to seal the following documents at ECF No. 128 are granted for the compelling reasons set forth below.

Document	ECF #	Compelling Reason
29 Exhibit A (Harden 30 Report)	128-2	This document contains confidential and competitively sensitive information about the Parties' business relationship, cullet prices and Gallo's cullet purchases under the Supply Agreement.
31 Exhibit E (Dep. Tr. 32 Steve Nicolai)	128-2	This testimony contains confidential and competitively sensitive information about Gallo's cullet purchases and operations.
33 Exhibit F (Dep. Tr. Chad 34 Mundello)	128-2	This testimony contains confidential and competitively sensitive information about the Parties' business relationship.

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H. FILINGS AT ECF NO. 131

The Court has sealed various exhibits to this filing. (ECF No. 136 at 14). SMI has now argued that the Court should also permanently redact portions of its brief. (ECF No. 13 at 6). The Court GRANTS SMI's request to permanently redact portions of pages 12 and 13 that refer to the exhibits previously sealed.

III. CONCLUSION AND ORDERS

Other than as noted below, the Court grants all sealing requests. Such documents may be accessed only by the parties, their litigation counsel, and the Court.

Exhibit 33 of ECF No. 117-3 shall no longer be sealed. Within 14 days, SMI shall re-file ECF No. 117-3. Such filing shall include Exhibit 33 in full.

IT IS SO ORDERED.

Dated: July 16, 2020

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE