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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 DEERPOINT GROUP, INC.,

12 Plaintiffs,

13 v.

14 AGRIGENIX LLC, et al.,

15 Defendants.  
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Case No. 1:18-cv-00536-AWI-BAM

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO SEAL**

(Doc. No. 69)

17 On January 31, 2019, the Court issued a stipulated protective order in this case. (Doc. No.  
18 33.) On January 10, 2020, Plaintiff filed a motion for leave to amend its complaint which included  
19 a copy of the proposed Second Amended Complaint attached as an exhibit thereto pursuant to Local  
20 Rule 137(c). (Doc. No. 68.) Currently before the Court is Plaintiff Deerpoint Group, Inc.'s  
21 ("Plaintiff") request, pursuant to the stipulated protective order and Local Rule 141, to file Exhibit  
22 4 to Plaintiff's proposed Second Amended Complaint under seal. (ECF 119.) Defendants  
23 Agrigenix LLC and Sean Mahoney ("Defendants") were served with a copy of the request and did  
24 not file an opposition. For the reasons that follow, Plaintiff's request for filing under seal is  
25 granted.

26 "Historically, courts have recognized a 'general right to inspect and copy public records  
27 and documents, including judicial records and documents.'" *Kamakana v. City & Cty. of Honolulu*,  
28 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597

1 & n.7 (1978)). “[J]udicial records are public documents almost by definition, and the public is  
2 entitled to access by default.” *Id.* at 1180. This “federal common law right of access” to court  
3 documents generally extends to “all information filed with the court,” and “creates a strong  
4 presumption in favor of access to judicial documents which can be overcome only by showing  
5 sufficiently important countervailing interests.” *Phillips ex. Rel. Estates of Byrd v. Gen. Motors*  
6 *Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (citations and quotation marks omitted). Two standards  
7 govern whether documents should be sealed: a “compelling reasons” standard and a “good cause”  
8 standard. *Kamakana*, 447 F.3d at 1179; *see also Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 677-  
9 78 (9th Cir. 2010). The key in determining which standard to apply is “whether the motion is more  
10 than tangentially related to the merits of a case.” *Ctr. For Auto Safety v. Chrysler Group, LLC*, 809  
11 F.3d 1092, 1096 (9th Cir. 2016). Under this test, the “compelling reasons” standard applies to a  
12 request to seal all or part of a complaint. *Macias v. Cleaver*, 2016 WL 3549257, at \*3 (E.D. Cal.  
13 June 30, 2016).

14 Defendants produced the document at issue pursuant to the terms of the stipulated protective  
15 order in this case. The stipulated protective order requires a party filing documents produced  
16 subject to its terms to comply with Local Rule 141’s provisions for sealing of documents. (*See*  
17 *Doc. No. 33 at 15.*) Plaintiff contends that the document at issue should be sealed because it  
18 contains sensitive trade secret information related to the chemical composition of Defendants’  
19 products and instructions for combining those elements into a finished product. “In general,  
20 ‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and  
21 justify sealing court records exist when such ‘court files might become a vehicle for improper  
22 purposes,’ such as the use of records to gratify private spite, promote public scandal, circulate  
23 libelous statements, or release trade secrets.” *Kamakana*, 447 F.3d at 1179. Having considered the  
24 document at issue, the Court concludes that Plaintiff has sufficiently shown compelling reasons for  
25 filing the document under seal.

26 Plaintiff further “requests assistance with destroying any electronic copies of [the  
27 document] in the Court’s possession” upon “final ruling or order of the Court[.]” Plaintiff has not  
28 provided any authority for such an overbroad request and has not explained why it would be

1 necessary or appropriate. This request will therefore be denied.

2 Accordingly, compelling reasons being shown, IT IS HEREBY ORDERED:

3 1. Plaintiff's Request to Seal is GRANTED;

4 2. Exhibit 4 to Plaintiff's Second Amended Complaint, filed as Exhibit A to the  
5 Declaration of Jon Michaelson in support of Plaintiff's motion for leave to amend the complaint  
6 (Doc. No. 68-2), shall be filed and maintained under seal. Counsel shall comply with Local Rule  
7 141 regarding disposition of the document for sealing; and

8 3. Plaintiff's request for assistance in destroying any electronic copies of the document  
9 to be sealed in the Court's possession upon final ruling or order of the Court is DENIED.

10 IT IS SO ORDERED.  
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12 Dated: January 27, 2020

/s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE  
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