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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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ELIZABETH SAMUELS,

No. 2:13-cv-00713-GEB-DAD

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Plaintiff,

9

v.

**ORDER DENYING PLANTIFF'S  
SEALING REQUEST**

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OWENS-BROCKWAY GLASS  
CONTAINER, INC.,

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Defendant\*.

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On December 4, 2014, Plaintiff submitted for in camera consideration a Request to Seal Documents, a proposed sealing order, and the documents sought to be sealed. The documents sought to be sealed are referenced in a publicly filed Notice of Request to Seal Documents as "[p]artially redacted spreadsheets marked 'Confidential' listing bottles manufactured at Defendant's Tracy California plant during the years 2008 through 2012 and Bates stamped OB03440 through OB03450 and OB3474 - OB03474 through OB03488." (Not. of Req. to Seal 1:25-28, ECF No. 35.)

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\* The caption has been amended according to the automatic dismissal of Doe Defendants. (See Status Order 2:1-4, ECF No. 11.)

1 Protective Order," and "disclosure [thereof] will compromise  
2 [Defendant's] proprietary interests." (Pl.'s Req. to Seal 1:27-  
3 2:9.) Plaintiff further argues that "[p]ublic access to these  
4 documents would reveal a legitimate trade secret." (Id. at 2:4-  
5 5.)

6 Plaintiff neither discusses the applicable sealing  
7 standard in her Request to Seal Documents, nor demonstrates that  
8 it has been met. See E.D. Cal. 141(b) ("The 'Request to Seal  
9 Documents' shall set forth the statutory or other authority for  
10 sealing . . . ."). "[A] party seeking to seal a [document]  
11 attached to a dispositive motion or one that is presented at  
12 trial must articulate 'compelling reasons' in favor of sealing."  
13 Williams v. U.S. Bank Ass'n, 290 F.R.D. 600, 604 (E.D. Cal. 2013)  
14 (quoting Kamakana v. City and Cnty. of Honolulu, 447 F.3d 1172,  
15 1178 (9th Cir. 2006)).

16 [Plaintiff] cannot provide the compelling  
17 reasons necessary to justify the . . .  
18 sealing of [the referenced documents] with a  
19 few generalized, sweeping sentences. [She]  
20 needed (and failed) to specifically address  
why each document contained [proprietary]  
information of such a compelling nature as to  
overcome the strong presumption of public  
access.

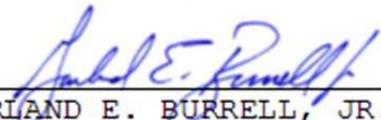
21 In re LDK Solar Secs. Litig., No. C 07-05182 WHA, 2010 WL 724809,  
22 at \*1 (N.D. Cal. Mar. 1, 2010). Therefore, the sealing request is  
23 DENIED.

24 Further, since Local Rule 141(e)(1) prescribes that if  
25 a sealing "[r]equest is denied in full or in part, the Clerk  
26 will return to the submitting party the documents for which  
27 sealing has been denied," the documents emailed to the courtroom  
28 deputy clerk for judicial in camera consideration are treated as

1 having been returned to the moving parties. United States v.  
2 Baez-Alcaino, 718 F. Supp. 1503, 1507 (M.D. Fla. 1989)  
3 (indicating that when a judge denies a sealing request the party  
4 submitting the request then decides how to proceed in light of  
5 the ruling).

6 Dated: December 9, 2014

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GARIAND E. BURRELL, JR.  
Senior United States District Judge