

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

----oo0oo----

STARBUCKS CORPORATION, a
corporation,

Plaintiff,

v.

AMCOR PACKAGING DISTRIBUTION,
a corporation; AMCOR
PACKAGING (USA), INC., a
corporation; and PALLETS
UNLIMITED, LLC, a limited
liability company,

Defendants.

CIV. No. 2:13-1754 WBS CKD

ORDER RE: OZBURN-HESSEY
LOGISTIC'S REQUEST TO SEAL
DOCUMENTS

----oo0oo----

Cross-defendant Ozburn-Hessey Logistics ("OHL") has submitted a Request to Seal Exhibit 5 to its Request for Judicial Notice in Support of its Motion to Dismiss Pallets Unlimited, LLC's Cross-Complaint. (Docket No. 31.) Exhibit 5 purports to be an agreement between OHL and plaintiff Starbucks. (Id.) OHL states the document contains sensitive business information that is subject to a confidentiality agreement between those two

1 parties. (Id.)

2 A party seeking to seal a judicial record bears the
3 burden of overcoming a strong presumption in favor of public
4 access. Kamakana v. City & County of Honolulu, 447 F.3d 1172,
5 1178 (9th Cir. 2006). The party must "articulate compelling
6 reasons supported by specific factual findings that outweigh the
7 general history of access and the public policies favoring
8 disclosure, such as the public interest in understanding the
9 judicial process." Id. at 1178-79 (internal quotation marks and
10 citation omitted). In ruling on a motion to seal, the court must
11 balance the competing interests of the public and the party
12 seeking to keep records secret. Id. at 1179.

13 A private confidentiality agreement does not per se
14 constitute a compelling reason to seal a document that outweighs a
15 interests of public disclosure and access. OHL has not identified
16 the sensitive information, nor has it indicated to the court why
17 the information is sensitive or pointed out where in the agreement
18 that information is contained. Absent any guidance, the court
19 cannot find a compelling reason to seal the document.

20 IT IS THEREFORE ORDERED that within 10 days from the
21 date of this Order, OHL shall specifically identify the provisions
22 in the agreement which asserts constituted "sensitive business
23 information" and explain why that information is sensitive and
24 should be sealed or redacted from the public record.

25 Dated: October 8, 2014

26 

27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE