

1 a stipulated protective order signed by the magistrate judge in
2 this case. Plaintiff disputes defendant's designations, but has
3 agreed to file its motion to add judgment debtor, a separate
4 motion to remove defendant's designations, and memoranda and
5 exhibits supporting the two motions, under seal. Plaintiff now,
6 with defendant's support, requests the court to enter an order
7 allowing it to file the aforementioned documents under seal.

8 While the protective order in this case allows the
9 parties to designate documents as confidential, designating a
10 document confidential does not entitle the parties to file the
11 document under seal. See E.D. Cal. L.R. 141(a) ("[S]pecific
12 requests to seal must be made even if an existing protective
13 order . . . permits the sealing of the document." (emphasis
14 added)). Neither does the protective order's 'challenges'
15 provision, which states that confidentiality designations remain
16 in effect while they are being challenged, entitle the parties to
17 play out their designation challenges via sealed documents. See
18 id. To file any document under seal, the parties must obtain
19 "written order of the Court" permitting the sealing after they
20 have made "the showing required by applicable law." Id. That
21 rule applies even where a prior protective order permits the
22 designation of documents as confidential. See id.

23 The Ninth Circuit has held that a party seeking to seal
24 a judicial record bears the burden of overcoming "a strong
25 presumption in favor of [public] access." Kamakana v. City &
26 County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006). The
27 party must "articulate compelling reasons supported by specific
28 factual findings that outweigh the general history of access and

1 the public policies favoring disclosure, such as the public
2 interest in understanding the judicial process.” Id. at 1178-79
3 (citation omitted). In deciding a motion to seal, the court
4 “balance[s] the competing interests of the public and the party
5 who seeks to keep certain judicial records secret.” Id. at 1179.

6 Neither plaintiff nor defendant has offered any
7 “compelling reasons” for sealing the documents at issue here.
8 The exhibits at issue are a deposition transcript, meeting
9 minutes, emails, budget spreadsheets, tax returns, bank
10 statements, and photocopies of checks. Save for intermittent
11 mentions of private bank account numbers, which the parties may
12 redact pursuant to Local Rule 140(a)(ii), the exhibits do not
13 appear to contain any sensitive business information. That
14 defendant designated the exhibits confidential pursuant to a
15 stipulated protective order is not itself a compelling reason to
16 seal the exhibits. See Foster Poultry Farms, Inc. v. Certain
17 Underwriters at Lloyd’s, London, No. CIV. 1:14-00953 WBS, 2015 WL
18 5608241, at *1 (E.D. Cal. Sept. 23, 2015) (“[A] confidentiality
19 agreement between the parties does not per se constitute a
20 compelling reason to seal documents outweighing the interests of
21 public disclosure and access. The fact that the assigned
22 magistrate judge signed the stipulated protective order does not
23 change this principle.”); Starbucks Corp. v. Amcor Packaging
24 Distribution, No. CV 2:13-1754 WBS CKD, 2016 WL 1090550, at *2
25 (E.D. Cal. Mar. 21, 2016) (same).

26 The court is also unable to find anything in
27 plaintiff’s motions or their accompanying memoranda that appear
28 to implicate any “compelling” privacy concerns.

1 Because the parties have not offered any "compelling
2 reasons" to grant plaintiff's request to seal, the court will
3 deny plaintiff's request. If the parties are concerned about
4 disclosure of bank account numbers, plaintiff may resubmit its
5 request specifically asking that it be allowed to redact such
6 information from its exhibits.

7 IT IS THEREFORE ORDERED that plaintiff's request to
8 seal be, and the same hereby is, DENIED.

9 Dated: January 24, 2017



10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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