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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERFORMANCE CHEVROLET, INC.,

Plaintiff,

v.

ADP DEALER SERVICES, INC.,

Defendant.

No. 2:14-cv-2738 TLN AC

ORDER

Defendant has filed an “Unopposed Request” to seal a document that it has already filed on the public docket of this court, unsealed and un-redacted. Defendant asserts that the document contains “pricing information” which it says is “confidential.” However, defendant publicly filed this document on two separate occasions. Defendant first filed the document as Exhibit B (ECF No. 8-1), to its Answer to the original complaint, and then again a month later, as Exhibit B (ECF No. 15-1), to its Answer to the First Amended Complaint.

In general, there must be, at a minimum, “good cause” for overriding the “strong presumption” in favor of public access to judicial records. Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006). While there might have been good cause to seal the document at issue before it was made public – it contains confidential business information, and the defendant requested that it be sealed – defendant has not offered sufficient good cause to withdraw the document from the public record.

1 While the court is sympathetic to defendant’s plight, it does not remove publicly available
2 documents from the public’s view without a sufficient showing that sealing is necessary and
3 proper. Defendant cites Dayton v. Sears Roebuck and Co., 2014 WL 5797172 (E.D. Cal. 2014)
4 (Nunley, J.), for the proposition that a document may be sealed after it has been publicly filed. In
5 that case, plaintiff requested that a publicly filed document bearing her date of birth be redacted,
6 and the court granted the request. However, the court’s local rules required that “[d]ates of birth”
7 be redacted from publicly filed documents, and that “only the year” should be shown. E.D. Cal.
8 R. 140(a)(iv). Accordingly, the court ordered the document refiled “with the appropriate
9 redactions so that the Court may update the docket and seal the original filing.” Dayton, 2014
10 WL 5797172, at *8.

11 Defendant has identified no rule, statute, case or other authority requiring that the
12 document it filed must be sealed or redacted after the fact. To the contrary, the cases addressing
13 this issue have denied requests to seal documents where they were already publicly filed, or
14 where the information contained in the documents is already in the public domain. See Level 3
15 Communications, LLC v. Limelight Networks, Inc., 611 F. Supp. 2d 572 (E.D. Va. 2009)
16 (declining to seal documents offered in a public trial, and providing a thorough discussion of the
17 issue).¹


18 The court does not find defendant’s request to be frivolous, however, and accordingly will
19

20 ¹ See also, Joint Equity Committee of Investors of Real Estate Partners, Inc. v. Coldwell Banker
21 Real Estate Corp., 2012 WL 234396, at *2 (C.D. Cal. 2012) (“Defendants’ assertions of
22 confidentiality are frivolous in large part because Plaintiffs have already filed many of the same
23 documents without seal on the public docket”); Cooke v. Town of Colorado City, Ariz., 2013 WL
24 3155411, at *2 (D. Ariz. 2013) (“First, with regard to the exhibits that have been filed unsealed in
25 any public record, including those that have been filed in this Court’s Record since July 30, 2012,
26 with no party seeking to seal them or otherwise obtaining a protective order for them, there is no
27 reason to now seal those exhibits. In determining whether to seal a document, ‘the court must
28 conscientiously balance the competing interests of the public and the party who seeks to keep
certain judicial records secret.’ There can be no secrets in previously publicly disclosed records
that no one has previously sought to protect. As a result, there can be no good cause or
compelling reasons to keep such non-existent ‘secrets.’”); Apple, Inc. v. Samsung Electronics
Co., Ltd., 2014 WL 722489, at *1 (N.D. Cal.2014) (“But Apple already decided to reveal the
specific figures in Apple’s opposition brief that Apple now seeks to seal. That request goes too
far.”).

1 deny the request without prejudice. Defendant may, if it wishes, renew its request if it can direct
2 the court's attention to a statute, rule or other authority requiring the document to be sealed or
3 redacted.

4 Accordingly, IT IS HEREBY ORDERED that defendant's request to seal (ECF No. 20),
5 is DENIED without prejudice.

6 DATED: February 27, 2015

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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