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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOANN MARTINELLI, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

JOHNSON & JOHNSON and McNEIL
NUTRITIONALS, LLC,

Defendants.

No. 2:15-cv-1733 MCE DB

ORDER

On February 3, 2017, plaintiff filed a request to file documents under seal. (ECF No. 66.) The documents are related to the parties’ pending discovery dispute. In evaluating requests to seal, the court starts “with a strong presumption in favor of access to court records.” Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). “The presumption of access is ‘based on the need for federal courts, although independent – indeed, particularly because they are independent – to have a measure of accountability and for the public to have confidence in the administration of justice.’” Id. (quoting United States v. Amodeo, 71 F.3d 1044, 1048 (2d Cir. 1995)). A request to seal material must normally meet the high threshold of showing that “compelling reasons” support secrecy. Id. (citing Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)). However, where the material is, at most, “tangentially

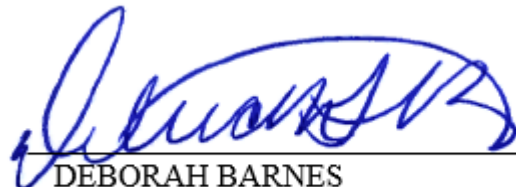
1 related to the merits of a case,” the request to seal may be granted on a showing of “good cause.”
2 Id. at 1097-1101. Moreover, Local Rule 141(b) requires, in relevant part, that a “Request to Seal
3 Documents’ shall set forth the statutory or other authority for sealing, the requested duration, the
4 identity, by name or category, of persons permitted access to the documents, and all other
5 relevant information.”

6 Here, the material sought to be filed under seal is only tangentially related to the merits of
7 the case. Moreover, plaintiff’s brief establishes good cause for filing the documents under seal.
8 In this regard, the documents concern defendants’ commercially sensitive information regarding
9 the development of products, as well as sensitive business information concerning the marketing
10 of its products.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff’s February 3, 2017 notice of request to seal (ECF No. 66) is granted; and
- 13 2. The Clerk of the Court shall file under seal an unredacted version of the Joint
14 Statement of Discovery Disagreement and Exhibits J-N at pages 123-142 of the Exhibits to the
15 Joint Statement of Discovery Disagreement re Motion to Compel Production of Documents.¹

16 Dated: February 6, 2017

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20 DEBORAH BARNES
21 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Plaintiff shall contact the Clerk of the Court to provide the documents to be filed under seal.