

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-----

GUTTERGLOVE, INC., a California Corporation,

Plaintiff,

v.

WILLIAM LASELL, an individual,  
AMERICAN DIE AND ROLLFORMING  
INC., a California Corporation,  
and ARTESIAN HOME PRODUCTS, a  
California Corporation, doing  
business as VALOR GUTTER GUARD,

Defendants.

Civ. No. 2:17-1372 WBS CKD

ORDER RE: REQUEST TO SEAL

-----oo0oo-----

Plaintiff Gutterglove, Inc. brought this action against defendants William Lasell, American Die and Rollforming, Inc., and Artesian Home Products doing business as Valor Gutter Guard alleging various claims in connection with defendants' misappropriation of plaintiff's trade secrets. Before the court is defendants' Request to File Documents Under Seal filed March 15, 2018. (Docket No. 30.)

1           A party seeking to seal a judicial record bears the  
2 burden of overcoming a strong presumption in favor of public  
3 access. Kamakana v. City & County of Honolulu, 447 F.3d 1172,  
4 1178 (9th Cir. 2006). Where a party seeks to seal a dispositive  
5 pleading and a related attachment, the party must “articulate  
6 compelling reasons supported by specific factual findings that  
7 outweigh the general history of access and the public policies  
8 favoring disclosure, such as the public interest in understanding  
9 the judicial process.” Id. at 1178-79 (citations omitted). The  
10 court then must balance the competing interests of the public and  
11 the party seeking to keep records secret. Id. at 1179.


12           Defendants move to seal their First Amended Answer and  
13 Counterclaims in its entirety, stating that it contains  
14 information that was designated as HIGHLY CONFIDENTIAL-ATTORNEY’S  
15 EYES ONLY by plaintiff pursuant to the Protective Order in this  
16 case. Defendants do not give specific reasons why any particular  
17 information in the First Amended Answer and Counterclaims should  
18 be sealed.

19           Here, the Magistrate Judge entered the parties agreed  
20 Protective Order to provide special protection from public  
21 disclosure for production of confidential, proprietary, or  
22 private information. (Protective Order at 1 (Docket No. 29).)  
23 However, the Protective Order explained that “this Stipulated  
24 Protective Order does not entitle them to file confidential  
25 information under seal” and that for each “document . . . sought  
26 to be filed or introduced under seal . . . the party seeking  
27 protection must articulate compelling reasons, supported by  
28 specific facts and legal justification, for the requested sealing

1 order." (Id. at 3.) "Thus, [defendants] should have been on  
2 notice that confidential categorization . . . under the  
3 protective order was not a guarantee of confidentiality,  
4 especially in the event of a court filing." See Kamakana, 447  
5 F.3d at 1183. Further, sealing this information may prevent the  
6 public from understanding the basis upon which the court makes  
7 its decisions, and defendant fails to explain how public  
8 disclosure of the contents of its First Amended Answer and  
9 Counterclaims would cause harm to any of the parties, much less  
10 how that harm outweighs public policies favoring disclosure. See  
11 id. at 1178-79. Accordingly, "the claimed reliance on the  
12 [protective] order is not a 'compelling reason' that rebuts the  
13 presumption of access." Id. at 1183.

14 IT IS THEREFORE ORDERED that defendants' Request to  
15 Seal (Docket No. 30) be, and the same hereby is, DENIED without  
16 prejudice to the right of either party to submit a more tailored  
17 request, such as redacting a portion of the First Amended Answer  
18 and Counterclaims, which specifically states the basis for  
19 sealing or redacting this document and why the harm of disclosing  
20 that information outweighs public policies favoring disclosure.

21 Dated: March 21, 2018

22   
23 WILLIAM B. SHUBB  
24 UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28