

United States District Court
For the Northern District of California

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEDTRONIC, INC., et al.,
Plaintiffs,
v.
AGA MEDICAL CORPORATION,
Defendant.

No. C-07-567 MMC

**ORDER DENYING DEFENDANT’S
ADMINISTRATIVE REQUEST TO FILE
FIRST AMENDED ANSWER UNDER
SEAL**

Before the Court is defendant AGA Medical Corporation’s (“AGA”) “Administrative Request to File First Amended Answer under Seal,” filed January 20, 2009. Having read and considered the motion and the declaration of Marissa R. Ducca in support thereof, the Court rules as follows.

AGA states the material at issue, specifically, lines 10-11 of paragraph 60 of its First Amended Answer, has been designated confidential by plaintiffs Medtronic, Inc., Medtronic USA, Inc., and Medtronic Vascular, Inc. (collectively, “Medtronic”). (See Ducca Decl. ¶ 3.)

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civ. L.R. 79-5(d). “Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing


1 order, or must withdraw the designation of confidentiality.” Id. “If the designating party
2 does not file its responsive declaration as required . . . the document or proposed filing will
3 be made part of the public record.” Id.

4 Here, Medtronic states it does not seek to have the above-referenced material filed
5 under seal. (See Declaration of Joshua C. Walsh-Benson in Support of AGA’s
6 Administrative Request to File Documents ISO Motion for Leave to Amend Answer under
7 Seal, at 4 n.2.)

8 Accordingly, the motion is hereby DENIED. AGA shall file an unredacted version of
9 its First Amended Answer in the public record no later than February 5, 2009.

10 **IT IS SO ORDERED.**

11
12 Dated: January 29, 2009


MAXINE M. CHESNEY
United States District Judge