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

BERNARD PAUL PARISH, HERBERT
ANTHONY ADDERLEY, and WALTER
ROBERTS III, on behalf of themselves and
all others similarly situated,

No. C 07-00943 WHA

Plaintiffs,

**ORDER RE ELECTRONIC
ART'S MOTION TO SEAL**

v.

NATIONAL FOOTBALL LEAGUE PLAYERS
INCORPORATED d/b/a PLAYERS INC., a
Virginia corporation,

Defendant.

On Wednesday the 22nd, Electronic Arts, a third party, moved to seal Trial Exhibit 80, claiming that it contained confidential proprietary information. EA is not a party to the jury trial underway but it produced TX 80 during discovery (under a protective order). The Court denied the motion for two reasons. The proper standard at trial to seal evidence is the "compelling interest" standard of *Kamakana* but EA, while citing *Kamakana*, did not even mention the compelling interest standard; instead EA tried to pass *Kamakana* off as requiring only "good cause." The second reason was that the economic terms between EA and the NFLPA and Players Inc., are important to the fact issues for the jury to decide and, indeed, arguably central to plaintiffs retired players theory. EA's reason, while sympathetic, did not overcome the relevance. Under *Kamakana*, it would be hard to justify suppressing this information from the public (even though both sides are willing to do so as long as the jury can use it).

