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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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6 ALEJANDRO JUAREZ, MARIA JUAREZ,) Case No. 09-3495 SC
7 LUIS A. ROMERO and MARIA PORTILLO,)
8 individually and on behalf of all) ORDER RE: ADMINISTRATIVE
9 others similarly situated,) MOTIONS TO FILE DOCUMENTS
10) UNDER SEAL
11 Plaintiffs,)
12)
13 v.)
14)
15 JANI-KING OF CALIFORNIA, INC., et.)
16 al,)
17)
18 Defendants.)
19)
20)

21 Now before the Court are two administrative motions to file
22 documents under seal brought by Defendants Jani-King of California,
23 Inc., et. al (collectively, "Jani-King") and Plaintiffs Alejandro
24 Juarez, Maria Juarez, and Maria Portillo (collectively,
25 "Plaintiffs"). ECF No. 150 ("JK Mot."); 158 ("Pls. Mot."). For
26 the reasons set forth below, these motions are GRANTED in part and
27 DENIED in part.

28 Jani-King moves to seal Exhibits 21 and 24 to the
Declaration of Eileen Hunter ("Hunter") in support of Jani-King's
Motion for Summary Judgment. See ECF No. 149-2 ("Hunter Decl.").
On December 2, 2011, the Court denied Jani-King's motion but stated
that it would reconsider its decision if Jani-King submitted
additional briefing that articulated compelling reasons for sealing
Exhibits 21 and 24. ECF No. 153. Jani-King later submitted

1 additional briefing explaining why Exhibit 21 should be sealed, but
2 stated that it had nothing to add to its arguments regarding
3 Exhibit 24. ECF No. 154. Having reviewed Jani-King's additional
4 arguments, the Court GRANTS Jani-King's motion with respect to
5 Exhibit 21 to the Hunter Declaration and DENIES Jani-King's motion
6 with respect to Exhibit 24 to the Hunter Declaration.

7 Plaintiffs move to seal Exhibits 10, 13, 14, 15, 18-20, 24,
8 26-28, 31-35, and 37-39 to the declaration of Shannon Liss-Riordan
9 ("Liss-Riordan") in opposition to Jani-King's Motion for Summary
10 Judgment. ECF No. 157 ("Liss-Riordan Decl."). These exhibits have
11 been designated by Jani-King's counsel as "Confidential" pursuant
12 to a protective order. Pls.' Mot. at 1. Jani-King concedes that
13 many of the documents covered by Plaintiffs' motion need not be
14 sealed. Bundy Decl.¹ ¶ 3. However, Jani-King asks the Court to
15 seal Exhibits 19, 28, and 31 to the Liss-Riordan Declaration.

16 The Court has previously allowed Exhibits 28 and 31 to the
17 Liss-Riordan Declaration to be filed under seal in connection with
18 other motions. Accordingly, the Court GRANTS Plaintiffs' motion
19 with respect to these documents. Exhibit 19 to the Liss-Riordan
20 Declaration consists of emails sent by Jani-King's Vice President
21 of Corporate Development and Vice President of Internal Operations
22 in 2009. Jani-King argues that these documents should be sealed
23 because they discuss confidential data regarding Jani-King contract
24 sales and other information concerning Jani-King's policies and
25 procedures. Bundy Decl. at 2. Having reviewed Exhibit 19 and
26 Jani-King's arguments, the Court fails to see a compelling reason

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28 ¹ Kerry L. Bundy ("Bundy"), counsel for Jani-King, submitted a
declaration regarding Plaintiffs' motion. ECF No. 161 ("Bundy
Decl.").

1 for allowing these documents to be filed under seal. The
2 purportedly confidential information in these documents does not
3 rise to the level of a trade secret. Accordingly, the Court DENIES
4 Plaintiffs' motion with respect to Exhibit 19 to the Liss-Riordan
5 Declaration.

6 Jani-King also asks that Exhibit 13 be redacted before it is
7 publicly filed. Exhibit 13 is a Jani-King Franchise Call Log,
8 which shows notes of calls between Jani-King and non-plaintiff
9 Jani-King franchise owners or clients. The log contains
10 information related to numerous franchise owners and customers who
11 are not parties to this case, including personal telephone numbers.
12 Accordingly, the Court ORDERS Plaintiffs to redact the personal
13 telephone numbers listed in Exhibit 13 before publicly filing the
14 exhibit.

15 For the foregoing reasons, the Court GRANTS Jani-King's
16 motion to file documents under seal as to Exhibit 21 of the Hunter
17 Declaration. The Court also GRANTS Plaintiffs' motion to file
18 documents under seal as to Exhibits 28 and 31 to the Liss-Riordan
19 Declaration. The Court further ORDERS Plaintiffs to redact the
20 personal telephone numbers listed in Exhibit 13 to the Liss-Riordan
21 Declaration before publicly filing the exhibit. Jani-King and
22 Plaintiffs' motions are DENIED in all other respects.

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24 IT IS SO ORDERED.

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26 Dated: January 23, 2012

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UNITED STATES DISTRICT JUDGE

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