

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

ALEJANDRO JUAREZ, MARIA JUAREZ,)	Case No. 09-3495 SC
LUIS A. ROMERO and MARIA PORTILLO,)	
individually and on behalf of all)	ORDER RE: DEFENDANT'S
others similarly situated,)	STATEMENT OF NON-OPPOSITION
)	TO PLAINTIFFS'
Plaintiffs,)	ADMINISTRATIVE MOTION TO
)	<u>FILE UNDER SEAL</u>
v.)	
)	
JANI-KING OF CALIFORNIA, INC., a)	
Texas corporation, JANI-KING,)	
INC., a Texas corporation, JANI-)	
KING INTERNATIONAL, INC., a Texas)	
corporation, and DOES 1 through)	
20, inclusive,)	
)	
Defendants.)	

Plaintiffs Alejandro Juarez et al. ("Plaintiffs") brought an Administrative Motion pursuant to Civil Local Rule 79-5(d) to file under seal certain documents designated as confidential by Defendant Jani-King of California, Inc. ("Defendant"). ECF No. 64 ("Motion"). Plaintiffs sought to file these documents in connection with its Motion to Certify the Class. ECF No. 52. On August 2, 2010, Defendant filed a Statement of Non-Opposition, stating it "had no opposition to Plaintiff's Administrative Motion to File under Seal Documents in Connection with Plaintiffs' Motion for Class Certification." ECF No. 70.

1 Defendant's Statement of Non-Opposition demonstrates an
2 unfamiliarity with or misunderstanding of Civil Local Rule 79-5(d).
3 This rule requires a party seeking to file a document designated as
4 confidential by another party to file an administrative motion with
5 the court. The designating party then has seven days to preserve
6 the document's confidentiality by filing and serving a "declaration
7 establishing that the designated information is sealable" and "a
8 narrowly tailored proposed sealing order." Id. "If the
9 designating party does not file its responsive declaration as
10 required by this subsection, the document or proposed filing will
11 be made part of the public record." Id.

12 Plaintiffs have sought to file thousands of pages of documents
13 that Defendant designated confidential. If Defendant had no
14 opposition to these documents being filed under seal, it should
15 have filed a responsive declaration within seven days of
16 Plaintiffs' Motion. It has not done so. For these reasons,
17 Plaintiffs' Administrative Motion to file documents under seal is
18 DENIED. Plaintiffs shall publicly e-file the documents.

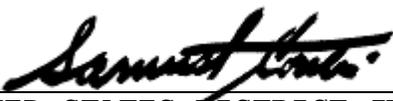
19

20 IT IS SO ORDERED.

21

22 Dated: August 2, 2010

23


UNITED STATES DISTRICT JUDGE

24

25

26

27

28