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

ASIS INTERNET SERVICES, et al.,	)	Case No. 09-3503 SC
	)	
Plaintiffs,	)	ORDER RE:
	)	<u>ADMINISTRATIVE MOTION</u>
v.	)	
	)	
SUBSCRIBERBASE, et al.,	)	
	)	
Defendants.	)	
	)	

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Before the Court is an Administrative Motion by Defendants Subscriberbase, et al. ("Defendants") to file documents under seal. ECF No. 40 ("Admin. Mot.") Defendants seek to file under seal portions of documents produced in discovery by Plaintiff Asis Internet Services ("Asis"), as well as portions of Defendants' Opposition to Asis's Motion to Dismiss all Defendants, ECF No. 38 ("Opp'n"), which references these documents. Admin. Mot. at 2. While there is a protective order in place in this action, ECF No. 32, these documents were not designated as confidential by Asis when it produced them. Admin. Mot. at 2. Defendants seek to file these documents under seal because they "contain[] banking and finance information for ASIS and its principal Nella White," and "ASIS or Nella White may consider this information Confidential." Id.  
///

United States District Court  
For the Northern District of California

1 Civil Local Rule 79-5(d) provides the procedure for filing  
2 under seal documents designated confidential by another party.  
3 Under this rule, the moving party must file an administrative  
4 motion with the court. The designating party then has seven days  
5 to preserve the documents' confidentiality by filing and serving a  
6 "declaration establishing that the designated information is  
7 sealable" and "a narrowly tailored proposed sealing order." Id.

8 Asis did not designate these documents as confidential, nor  
9 did it file a responsive declaration or sealing order. For these  
10 reasons, Defendants' Administrative Motion to file the documents  
11 and its Opposition under seal is DENIED. Pursuant to Civil Local  
12 Rule 79-5(e), Defendants shall retain the documents and its  
13 Opposition and not make them part of the record in the case, or,  
14 within four days, re-submit unredacted versions of the documents  
15 and Opposition for filing in the public record.

16

17 IT IS SO ORDERED.

18

19 Dated: September 1, 2010

20

A handwritten signature in black ink, appearing to read "Samuel L. ...", is written over a horizontal line. Below the line, the text "UNITED STATES DISTRICT JUDGE" is printed in a standard, sans-serif font.

UNITED STATES DISTRICT JUDGE

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