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 INTERNATIONAL DEVELOPMENT LTD.,
 7 REDWOOD CAPITAL ADVISORS, LLC,
 STEPHEN GOODMAN, and S. DICK SARGON
 8

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11

12 (1) VIESTE, LLC, an Indiana corporation; and,
 13 (2) VIESTE DEVELOPMENT, LLC; an
 Indiana corporation,

14 Plaintiffs,

15 v.

16 (1) HILL REDWOOD DEVELOPMENT,
 LTD., a British Virgin Islands corporation;
 17 (2) HILL INTERNATIONAL, INC., a
 Delaware corporation;
 18 (3) HILL INTERNATIONAL
 DEVELOPMENT LTD., a British Virgin
 19 Islands corporation;
 20 (4) REDWOOD CAPITAL ADVISORS, LLC,
 a Delaware corporation;
 21 (5) STEPHEN GOODMAN, individually; and
 22 (6) S. DICK SARGON, individually;

23 Defendants.

Case No. C09-04024 JSW

~~**[PROPOSED]**~~ **ORDER GRANTING
 MOTION FOR LEAVE TO FILE
 EXCERPTS OF DEPOSITIONS AND
 DOCUMENTS DESIGNATED AS
 "CONFIDENTIAL" OR "HIGHLY
 CONFIDENTIAL – ATTORNEYS’
 EYES ONLY" UNDER SEAL**

[LOCAL RULE 79-5(d); DKT. NO. 305]

Trial Date: August 8, 2011

24
 25 **AND RELATED COUNTER-CLAIM.**
 26

27
 28 ~~**[PROPOSED]**~~ **ORDER GRANTING MOTION TO SEAL**

1 Pursuant to Local Rule 79-5(d), Defendant S. Dick Sargon (“Defendant”) has filed a
2 declaration in support of Plaintiffs’ Motion For Leave To File Excerpts Of Depositions And
3 Documents Designated As “Confidential” Or “Highly Confidential – Attorneys’ Eyes Only”
4 Under Seal [Dkt. No. 305] (“Motion”). Defendant’s declaration follows this Court’s order [Dkt.
5 No. 310] denying without prejudice Plaintiffs’ Motion and requests that Exhibit 40, submitted by
6 Plaintiffs in support of their Reply to Defendants’ Opposition to Plaintiffs’ Motion for Summary
7 Judgment [Dkt. No. 303] be filed under seal because it contains private financial information and
8 was produced and designated by defendants as “Confidential – Attorneys’ Eyes Only” under a
9 Protective Order in this action.

10 Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit
11 sealing of court documents. Fed. R. Civ. Proc. 26(c). Civil Local Rule 79-5(a) also provides
12 that this Court may order documents sealed if they are “privileged or protectable as a trade secret
13 or otherwise entitled to protection under the law”

14 Defendant has filed a declaration required under Local Rule 79-5 to provide evidence of
15 good cause for this Court to permit filing under seal. That declaration establishes both that
16 defendants have considered and treated the information contained in the subject materials as
17 confidential and that public disclosure of such information would result in a particularized harm
18 or prejudice to Defendant. *See Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir.
19 2006). Accordingly, for good cause shown, the Court ORDERS that the following document
20 shall be filed under seal:

21 1. Exhibit 40, which Plaintiffs seek to submit as an exhibit to the Declaration of
22 Patricia L. Peden [Dkt. No. 304] in support of Plaintiff’s Reply To Defendants Opposition to
23 Plaintiffs Motion for Summary Judgment.

24 IT IS SO ORDERED

25
26 Dated: May 18, 2011


Honorable Jeffrey S. White
United States District Judge

27 **Exhibits 29 and 37 shall be filed in the public record.**

28 **The Court advises the parties that it shall rule on Defendants/Counterclaimants’
renewed motion to file excerpts of depositions under seal (Docket no. 296) filed on May
13, 2011, when it resolves the motions for summary judgment.**