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

ELLIOT ZEISEL, on behalf of himself and all  
others similarly situated,

Plaintiffs,

v.

DIAMOND FOODS, INC., a Delaware  
corporation,

Defendant.

No. C 10-01192 JSW

**ORDER REGARDING  
ADMINISTRATIVE MOTION TO  
SEAL DIAMOND FOODS, INC.’S  
OBJECTIONS TO NEW  
EVIDENCE**

**(Docket No. 128)**

On May 6, 2011, Diamond Foods, Inc. filed an administrative motion to seal its objections to new evidence submitted in connection with Plaintiff’s reply brief in support of his motion for class certification. That motion seeks to seal certain portions of objections addressing the Rebuttal Declaration of Gary French.

On May 9, 2011, this Court issued an Order granting in part and denying in part Plaintiff’s motion to seal portions of his reply brief and the French Declaration. (*See* Docket No. 132.) In that Order, the Court determined that certain portions of the French Declarations were not sealable, but its ruling was without prejudice to Diamond making a further showing as to why those portions were, in fact, “sealable,” by no later than May 13, 2011. To date, Diamond has not made a renewed request to seal those portions of the reply brief and the French Declaration, which impacts the Court’s ruling on the instant motion.

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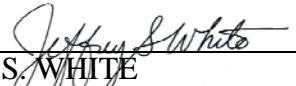
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Upon further review, the Court is inclined to revisit its ruling granting in part Plaintiff's motion to seal portions of its reply brief. Accordingly, Diamond is HEREBY ORDERED to show cause as to why page 15, lines 14-17 and page 16, line 27 is sealable. Diamond shall also be given on further opportunity to show why page 16, line 28 and page 17 line 1 of Plaintiff's reply brief contains sealable material. In addition, Diamond is HEREBY ORDERED to show cause why the Court should seal the portions of its objections to Plaintiff's additional evidence, which it has redacted.

Diamond's response to this Order to Show Cause shall be due by no later than June 8, 2011, and it shall provide responses that are specific to each page and line of the Reply Brief, the French Declaration, and the Objections that it seeks to seal.

**IT IS SO ORDERED.**

Dated: June 2, 2011

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE