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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TECHSAVIES LLC, )  
 )  
 Plaintiff(s), )  
 v. )  
 WDFM MARKETING INC., )  
 Defendant(s). )  
 \_\_\_\_\_ )  
 )

No. C10-1213 BZ

**ORDER DENYING ADMINISTRATIVE  
MOTIONS TO SEAL DOCUMENTS**

Before the Court are the parties' administrative motions to seal documents. (Docket Nos. 51,61,& 64). First, after filing its motion for summary judgment, defendant moved to seal exhibits that were labeled confidential by plaintiff in accordance with Civil Local Rule 79-5(d). (Docket No. 51). Plaintiff then submitted a response and declaration attempting to establish that the designated information was sealable. (Docket No. 65). Plaintiff also filed a second administrative motion to seal documents relating to its motion for sanctions. (Docket No. 64). In both cases plaintiff fails to make the showing as required by Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122 (9th Cir. 2003) and Contratto v. Ethicon,

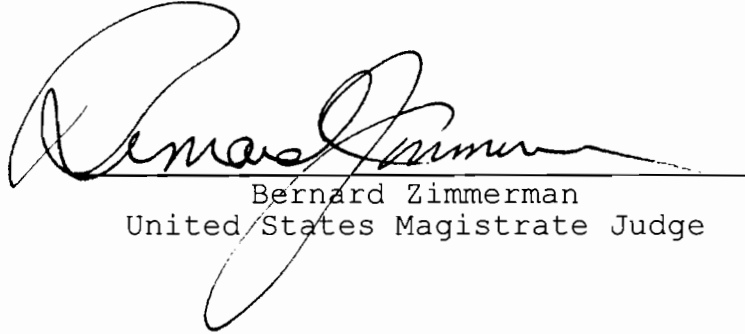
1 Inc., 227 F.R.D. 304, 307-08 (N.D. Cal. 2005). (Docket No.  
2 65). Specifically, the fact that information was produced  
3 pursuant to a protective order is not by itself a grounds for  
4 sealing a public document. Moreover, some of the efforts to  
5 seal information shows a complete disregard for the sealing  
6 process. Rather than following Local Rule 79-5's requirement  
7 that sealing requests be narrowly tailored, plaintiff seeks to  
8 seal entire documents. For example, plaintiff attempts to  
9 seal multiple pages containing advertising images that do not  
10 address or contain any sealable information. (Docket No. 51,  
11 Sharp Decl., Ex. C). This underscores that the plaintiff has  
12 not narrowly tailored its request to "seek sealing of only  
13 sealable material" as required by Local Rule 79-5(a). While  
14 it is conceivable that there may be information in plaintiff's  
15 documents that can be properly sealed, because the plaintiff  
16 has not made a good faith effort to narrowly tailor its  
17 request, or to justify the need for secrecy in a publicly  
18 filed document, the entire requests are **DENIED**.

19 Lastly, plaintiff moves to seal documents related to its  
20 opposition to summary judgment. (Docket No. 61). Plaintiff  
21 files this motion under Local Rule 79-5(d) to seal documents  
22 designated confidential by defendant. Defendant did not file a  
23 declaration claiming that the designated information is  
24 sealable as required by 79-5(d). In fact, defendant's  
25 response stated that the documents do not meet the  
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1 requirements to be sealed under Rule 79-5.<sup>1</sup> Although third-  
2 party Metro PCS filed a statement in support of sealing, the  
3 documents are not sealable for the reasons discussed above.  
4 Therefore, this request is also **DENIED**.

5 **IT IS FURTHER ORDERED** that parties comply with Local Rule  
6 79-5(e).

7 Dated: 4 Feb 2011

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9 Bernard Zimmerman  
10 United States Magistrate Judge  
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27 <sup>1</sup>Accordingly, much time and effort could have been saved  
28 had plaintiff properly submitted the motion under Civil L.R.  
7-11(a), which requires an administrative motion to contain  
either a stipulation or a declaration that explains why a  
stipulation could not be obtained.