

United States District Court
For the Northern District of California

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

KILOPASS TECHNOLOGY, INC.,
Plaintiff,
v.
SIDENSE CORPORATION,
Defendant.

Case No. 3:10-cv-02066 SI

**ORDER RE: PENDING *EX PARTE*
APPLICATIONS TO FILE DOCUMENTS
UNDER SEAL**

Currently before the Court are six *ex parte* applications to file under seal documents that relate to the pending motions for sanctions and for attorneys’ fees and costs. Docket Nos. 336, 338, 344, 347, 350, and 352. The parties’ justification for these requests is only that each of the documents sought to be filed under seal has been previously designated as “HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS-EYES ONLY,” pursuant to the operative, stipulated protective order. *Id.*; *see also* Docket No. 102 (protective order).

Civil Local Rule 79-5(a) states that: “[a] stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of documents under seal.” Unless an application to file documents under seal is supported by a declaration that establishes “sufficiently compelling reasons” to seal each of the documents, or portions thereof, the moving party


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will have failed to rebut the “strong presumption of access” that accompanies judicial records. *In re Midland Nat’l Life Ins. Co. Annuity Sales Practices Litig. v. Allianz Life Ins. Co. of N. Am.*, 686 F.3d 1115, 1119 (9th Cir. 2012) (internal citation omitted); *see also* Civil Local Rule 79-5.

Upon preliminary review of the parties’ papers, the Court is inclined to deny all of the parties’ pending *ex parte* applications to file under seal. Unless the party that produced or originally designated as confidential each of the documents now sought to be filed under seal, or the specifically-delineated portions thereof, sets forth “sufficiently compelling reasons” to rebut the “strong presumption of access” that accompanies judicial records, on or before **November 20, 2012**, the Court will adhere to this tentative order. Docket Nos. 336, 338, 344, 347, 350, and 352.

IT IS SO ORDERED.

Dated: November 14, 2012



SUSAN ILLSTON
United States District Judge