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

ROY D. NEWPORT, *et al.*,  
Plaintiffs/Counter-Defendants,

No. C 10-04511 WHA

v.

BURGER KING CORPORATION,  
Defendant/Counter-Claimant,

**ORDER DENYING  
PLAINTIFFS/COUNTER-  
DEFENDANTS' MOTION  
TO FILE UNDER SEAL**

v.

ANTELOPE VALLEY RESTAURANTS, INC, *et al.*  
Counter-Defendants.


Plaintiffs/counter-defendants have filed an administrative motion pursuant to Civil and Local Rules 7-11 and 79-5 to file portions of the transcript of the deposition of John P.S. Salmen under seal. Pursuant to Local Rule 79-5(d), the party designating the information as "confidential" must file within seven days a declaration establishing that the allegedly confidential information is sealable. Otherwise, the document is automatically made part of the public record. Defendant Burger King Corporation designated as confidential portions of the transcript plaintiffs/counter-defendants seek to submit in support of their opposition to BKC's motion for summary judgment. BKC, the designating party, has not filed the required declaration. Moreover, given that the document was filed in support of a dispositive motion, the order finds no

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“compelling reason” to approve the motion to file under seal. *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The motion is **DENIED**.

**IT IS SO ORDERED.**

Dated: December 5, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE