

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAHEATHER L. NEWTON,  
Plaintiff,

No. C-11-3228 EMC

v.

AMERICAN DEBT SERVICES, INC., *et al.*,  
Defendants.**ORDER DENYING PLAINTIFF'S  
ADMINISTRATIVE MOTION TO SEAL  
(Docket No. 166)**

Pursuant to Civil Local Rule 79-5, Plaintiff moved the Court to issue an order authorizing the sealing of (1) portions of her Opposition to Defendants Rocky Mountain Bank & Trust and Global Client Solutions, LLC's Motion for Summary Judgment; and (2) Exhibits 2 and 3 to the Supporting Declaration of William E. Kennedy, which consists of two agreements between and among the defendants in this action, as containing information designated by defendants as confidential and proprietary. *See* Docket No. 166.

The Court finds that Plaintiff has failed to identify "compelling reasons" as is required to seal documents used in dispositive motions. *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (finding strong presumption in favor of access is the starting point). And, although the declarations attached in support of Plaintiff's administrative motion to seal describe the documents in question as "confidential and proprietary" and how its competitors "could" or "would" use such information, these declarations fail to identify why, for example, vague descriptions of the respective duties of the agreement's signatories are proprietary, with the possible exception of Exhibit B (Schedule of Fees and Charges), which is attached to Exhibit 2 of the

1 Declaration of William E. Kennedy. Plaintiff has, therefore, failed to meet its burden under  
2 *Kamakana* for the remaining pages of such agreements.

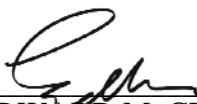
3 Accordingly, Plaintiff's request for a sealing order is **DENIED**. The proposed filings will be  
4 made part of the public record. As this case is designated for the Court's Electronic Case File  
5 program, the documents must be filed electronically on the Court's ECF website.

6 Plaintiff shall electronically file her (1) Opposition to Defendants Rocky Mountain Bank &  
7 Trust and Global Client Solutions, LLC's Motion for Summary Judgment; and (2) the Supporting  
8 Declaration of William E. Kennedy with exhibits, except that Exhibit B attached to Exhibit 2 of this  
9 declaration will be redacted, by 4:00 p.m., June 24, 2013. Plaintiff's Opposition shall be deemed  
10 filed as of the date that it was submitted with the request for the sealing order, namely, May 20,  
11 2013.

12 This order disposes of Docket No. 166.

13  
14 IT IS SO ORDERED.

15  
16 Dated: June 21, 2013

17  
18   
19 EDWARD M. CHEN  
20 United States District Judge  
21  
22  
23  
24  
25  
26  
27  
28