

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

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4 MAJEED SEIFI, et al.,
5 Plaintiffs,
6 v.
7 MERCEDES-BENZ U.S.A., LLC,
8 Defendant.

Case No. 12-cv-05493-TEH

**ORDER DENYING PLAINTIFFS’
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
WITHOUT PREJUDICE**

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10 Plaintiffs seek to file portions of their motion for partial summary judgment and
11 certain exhibits thereto under seal, because such material was previously designated
12 “Confidential” by Defendant Mercedes-Benz U.S.A., LLC (“MBUSA”). After carefully
13 reviewing Plaintiffs’ administrative motion and MBUSA’s declaration justifying the
14 designations, the Court now DENIES Plaintiffs’ administrative motion without prejudice,
15 for the reasons set forth below.

16
17 **DISCUSSION**

18 There is “a strong presumption in favor of [public] access when deciding whether to
19 seal records.” *Apple Inc. v. Pystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011). This
20 strong presumption “applies fully to dispositive pleadings, including motions for summary
21 judgment and related attachments . . . because the resolution of a dispute on the merits . . .
22 is at the heart of the interest in ensuring the ‘public’s understanding of the judicial process
23 and of significant public events.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d
24 1172, 1179 (9th Cir. 2004) (quoting *Valley Broadcasting Co. v. U.S. Dist. Ct.*, 798 F.2d
25 1289, 1294 (9th Cir. 1986)).

26 A party seeking to file documents under seal “must articulate compelling reasons
27 supported by specific factual findings that outweigh the general history of access and the
28 public policies favoring disclosure” *Kamakana*, 447 F.3d at 1178-79 (internal

1 alteration and citation omitted). “The mere fact that the production of records may lead to
2 a litigant’s embarrassment, incrimination, or exposure to further litigation will not, without
3 more, compel the court to seal its records.” Id. at 1179. “The ‘compelling reasons’
4 standard is invoked even if the dispositive motion, or its attachments, were previously filed
5 under seal or protective order.” Id.

6 Here, Plaintiffs seek to file documents under seal because the documents, or
7 materials on which they rely, were previously designated “Confidential” by MBUSA.
8 Administrative Mot. at 1 (Docket No. 106). Pursuant to Civil Local Rule 79-5(e)(1),
9 MBUSA filed a declaration on December 1, 2014, purporting to establish that all of the
10 designated material was sealable. Yoshino Decl. at 1-2 (Docket No. 110). However,
11 MBUSA’s explanations are vague and conclusory. MBUSA argues that the designated
12 materials contain “sensitive and confidential warranty information and policies,” and that,
13 for some of the material, “Only certain authorized personnel have access to the
14 information” Id. Yet, MBUSA does not identify any specific harm that it would
15 suffer if this material were disclosed, much less a compelling reason, based on specific
16 facts, to overcome the public’s interest in disclosure.

17 Without greater justification, the Court cannot conclude that the designated material
18 meets the standard to be filed under seal. However, neither will the Court permit Plaintiffs
19 to publicly file this material without giving MBUSA an opportunity to provide such
20 justification. For this reason, the Court DENIES Plaintiffs’ administrative motion without
21 prejudice. Within seven days of entry of this Order, Plaintiffs shall file either a renewed
22 administrative motion to file documents under seal, or a joint stipulation in which MBUSA
23 grants permission to file the protected material pursuant to sections 7.2 and 12.3 of the
24 stipulated protective order. See Stipulated Protective Order at 7, 11 (Docket No. 77). If
25 Plaintiffs file a renewed administrative motion, MBUSA shall file a renewed declaration,
26 pursuant to Civil Local Rule 79-5(e)(1), identifying what compelling reasons and specific
27 facts support sealing the documents in regard to the motion for partial summary judgment.

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CONCLUSION

For the reasons stated above, Plaintiffs' administrative motion to file documents under seal is DENIED without prejudice.

IT IS SO ORDERED.

Dated: 12/03/14



THELTON E. HENDERSON
United States District Judge