

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIANICOLE BAKER,
Plaintiff,

v.

BAYER HEALTHCARE
PHARMACEUTICALS INC.,
Defendant.

Case No. 13-cv-00490-TEH (KAW)

**ORDER DENYING ADMINISTRATIVE
MOTION TO SEAL WITHOUT
PREJUDICE**

Re: Dkt. No. 61

Defendant moves to file certain exhibits to the parties' September 4, 2014 joint discovery letter brief under seal. (Def.'s Mot., Dkt. No. 61.)

In this district, requests to file documents under seal in civil cases are governed by Civil Local Rule 79-5. That rule provides: "A sealing order may issue only upon a request that establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law (hereinafter referred to as 'sealable'). The request must be narrowly tailored to seek sealing only of sealable material" Civil L.R. 79-5(b).

It is evident from Defendant's filing that the instant motion is not "narrowly tailored to seek sealing only of sealable material." Defendant asserts that confidential information is highlighted in red in the exhibits it seeks to file under seal. (Def.'s Mot. at 1.) The highlighted information, however, accounts for only a modest portion of the exhibits. Yet, Defendant seeks to file the exhibits under seal in their entirety. This is inconsistent with Civil Local Rule 79-5(b).

Accordingly, Defendant's motion is denied without prejudice. Defendant may file a renewed motion within 7 days of this order. That motion must comply with Civil Local Rule 79-5 and this Court's September 18, 2014 order, in which the Court required that any sales call notes be annotated to include the relevant HIPAA provision that applies to the specific information

Defendant claims is protected. Defendant shall also file suitable chambers copies of any renewed motion as required by Civil Local Rule 5-1. The parties are on notice that providing copies of the first page of an exhibit on 36 x 48 inch paper is not acceptable. If Defendant does not file a renewed motion within 7 days, the parties' discovery dispute will be deemed submitted.

IT IS SO ORDERED.

Dated: 10/16/14


KANDIS A. WESTMORE
United States Magistrate Judge