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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TRACKR, INC., a Corporation,
Plaintiff,

v.

JESSE LEIMGRUBER, an individual; PJ LEIMGRUBER aka P.J. LEIMGRUBER aka PETER J. LEIMGRUBER; MISHA TALAVERA, an individual; BRIAN SOREL, an individual; NEOREACH, an unincorporated association; RANK EXECUTIVES INCORPORATED, a Florida corporation; and DOES 1 through 25, inclusive,
Defendants.

Case No. 14-cv-02920 NC

**ORDER DENYING TRACKR’S
MOTION TO FILE PORTIONS OF
THE COMPLAINT UNDER SEAL**

Re: Dkt. No. 2

Plaintiff TRACKR, INC. moves the Court for an order authorizing the sealing of portions of its complaint. Dkt. No. 2. The complaint alleges that defendants are associated with a direct competitor of TRACKR and have launched three different internet attacks on TRACKR, misappropriating confidential and proprietary data and trade secret information. Dkt. No. 1. Having reviewed the materials submitted by TRACKR in connection with its motion, the Court finds that TRACKR has not shown good cause for the proposed sealing.

Case No. 14-cv-02920 NC
ORDER DENYING MOTION TO SEAL

1 There is a presumption of public access to judicial records and documents. *Nixon v.*
2 *Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). Requests to file under seal must be
3 “narrowly tailored,” and “[a] sealing order may issue only upon a request that establishes
4 that the document, or portions thereof, are privileged, protectable as a trade secret or
5 otherwise entitled to protection under the law.” Civ. L.R. 79-5(b).

6 TRACKR contends that the requested sealing is narrowly tailored and necessary to
7 protect “highly confidential technical information” contained in the complaint. *Id.* Upon
8 review of the complaint, however, the Court is not persuaded that the redacted portions
9 warrant protection from public access. The portions proposed to be sealed contain
10 information about *defendants*, including a press article which is by definition public. There
11 is no adequate justification provided for treating this information as *plaintiff's* confidential
12 information. Additionally, TRACKR has failed to articulate why the amount of damages
13 it claims as a result of defendants’ actions qualifies as a trade secret or other confidential
14 information. While the portions of the complaint sought to be sealed include some
15 information related to how TRACKR determined that it was attacked as alleged in its
16 complaint, that information is at a very high level of generality and TRACKR has failed
17 to articulate why the information should be treated as “highly competitive and confidential
18 information.” *See Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992)
19 (“Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning”
20 do not establish good cause of the need for protection.). TRACKR’s arguments for
21 sealing portions of the complaint are further undermined by the fact that some of the
22 information sought to be sealed appears elsewhere in unredacted portions of the complaint.

23 Because TRACKR has not made a sufficient showing to overcome the presumption
24 of public access and justify sealing the complaint, its motion to seal is DENIED.

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1 By July 9, 2014, TRAACKR must do one of the following (1) file a notice informing
2 the Court that it wishes to withdraw its complaint; (2) file an amended complaint; or (3) file
3 the unredacted complaint in the public record.

4 IT IS SO ORDERED.

5 Date: June 26, 2014

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8 Nathanael M. Cousins
9 United States Magistrate Judge
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