

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
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAYER HOFFMAN MCCANN, P.C.,
Plaintiff,
v.
CAMICO MUTUAL INSURANCE
COMPANY,
Defendant.

Case No. [15-cv-01207-SI](#)

**ORDER DENYING ADMINISTRATIVE
MOTION TO SEAL**

Re: Dkt. No. 78

On January 27, 2017, defendant filed an administrative motion to seal documents in connection with defendant’s motion for summary judgment. The motion states that the material at issue was designed as confidential by plaintiff. Pursuant to Civil Local Rule 79-5(e)(1), the designating party – here, plaintiff – was required to file within 4 days “a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.” Rule 79-5(d)(1)(A), in turn, provides that motions to seal shall be supported by,

A declaration establishing that the document sought to be filed under seal, or portions thereof, are sealable. Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable. . . .

On February 10, 2017, plaintiff filed a declaration in support of the administrative motion to seal. Mr. Cutbirth’s declaration states that he agrees that the material should be filed under seal, and that the parties agreed that certain material would be confidential. The Court finds that Mr. Cutbirth’s declaration does not comply with Rule 79-5(d)(1)(A), and that plaintiff has not made a “particularized showing” of “good cause” why the material should be filed under seal. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (“Thus, ‘compelling reasons’ must be shown to seal judicial records attached to a dispositive motion. The

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
28

‘compelling reasons’ standard is invoked even if the dispositive motion, or its attachments, were previously filed under seal or protective order.”) (internal citation omitted).

Accordingly, the Court DENIES defendant’s administrative motion to seal. The denial is without prejudice to plaintiff filing a declaration that complies with Rule 79-5(d)(1)(A) and *Kamakana*, along with a proposed sealing order, no later than February 17, 2017.¹

IT IS SO ORDERED.

Dated: February 15, 2017



SUSAN ILLSTON
United States District Judge

¹ The Court also notes that plaintiff’s February 10, 2014 administrative motion to seal and supporting declaration (Dkt. No. 84), as well as defendant’s response to that motion (Dkt. No. 86), suffer from the same defects. The parties may file supplemental declarations in support of that administrative motion to seal by February 17, 2017.