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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAPU GEMS, et al.,
Plaintiffs,
v.
DIAMOND IMPORTS, INC., et al.,
Defendants.

Case No. [15-cv-03531-MMC](#)

**ORDER DENYING PLAINTIFFS’
MOTION TO FILE UNDER SEAL
EXHIBITS 6 AND 7 IN SUPPORT OF
THEIR MOTION FOR SUMMARY
JUDGMENT; DIRECTIONS TO
PLAINTIFFS**

Re: Dkt. No. 106

Before the Court is plaintiffs’ administrative motion to file under seal, filed November 4, 2016, pursuant to Civil Local Rule 79-5, by which plaintiffs seek permission to file under seal the entirety of Exhibits 6 and 7 to the Affidavit of Anthony Paduano, filed in support of plaintiffs’ motion for summary judgment. According to plaintiffs, Exhibits 6 and 7 have been designated confidential by defendants. Having read and considered the administrative motion, the Court rules as follows.


Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civil L.R. 79-5(d)-(e). Thereafter, “[w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration . . . establishing that all of the designated information is sealable.” Id. at 79-5(e)(1). “If the Designating Party does not file a responsive declaration as required by subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the Submitting Party may file the document in the public record no earlier than 4 days, and no later than 10 days, after the motion is denied.” Id. at 79-5(e)(2). To date, no responsive declaration has been filed by defendants.

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Accordingly, as defendants have not shown the above-referenced material is confidential, plaintiffs' motion for administrative relief is hereby DENIED, and plaintiffs are hereby DIRECTED to file in the public record, no earlier than February 17, 2017, and no later than February 23, 2017, the entirety of Exhibits 6 and 7.

IT IS SO ORDERED.

Dated: February 13, 2017


MAXINE M. CHESNEY
United States District Judge