

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 ROBERT MACKINNON,
5 Plaintiff,
6 v.
7 LOGITECH INC., et al.,
8 Defendants.

Case No. 15-cv-05231-TEH

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO FILE
DOCUMENT UNDER SEAL**

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10 Plaintiff Robert MacKinnon seeks to file under seal portions of the deposition
11 transcript of Craig Malloy. Plaintiff's motion (ECF No. 85) was brought under Civil Local
12 Rule 79-5(e) because Defendants designated the entire deposition as confidential.

13 Defendants timely filed the declaration required by Civil Local Rule 79-5(e), but
14 the Court finds that declaration to be woefully deficient. Defendants contend, in the most
15 summary fashion, that "Mr. Malloy's testimony contains confidential and proprietary
16 information. The testimony also contains information that could infringe on the privacy
17 rights of Plaintiff and/or third party individuals. All of the designated material is sealable."
18 Perry Decl. ¶ 3 (ECF No. 89-1). It defies credibility that Malloy's entire deposition is
19 sealable. Defendants also state that "[t]he parties agreed that Mr. Malloy's deposition
20 testimony was to be designated confidential pursuant to the parties' stipulated protective
21 order." Id. ¶ 2. However, "[r]eference to a stipulation or protective order that allows a
22 party to designate certain documents as confidential is not sufficient to establish that a
23 document, or portions thereof, are sealable." Civil L.R. 79-5(d)(1)(A).

24 "Those who seek to maintain the secrecy of documents attached to dispositive
25 motions must meet the high threshold of showing that 'compelling reasons' support
26 secrecy." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006).
27 Defendants have not come close to meeting that burden here. Accordingly, Plaintiff's
28 motion to file under seal is DENIED.

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Defendants may, if they wish, file a revised, narrowly tailored request for sealing. Any such response must comply with the requirements of Civil Local Rule 79-5(d)(1) and be filed by **April 20, 2017**. If Defendants fail to file a timely revised request, then Plaintiff shall file Exhibit A to the April 11, 2017 Declaration of Matthew J. Wayne in the public record without redaction, and without further order from this Court.

IT IS SO ORDERED.

Dated: 04/17/17



THELTON E. HENDERSON
United States District Judge