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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAOJMAR US, LLC,  
Plaintiff,  
v.  
SECURITY PEOPLE, INC., et al.,  
Defendants.

Case No.16-cv-04948-HSG

**ORDER GRANTING THE PARTIES'  
ADMINISTRATIVE MOTIONS TO  
FILE UNDER SEAL**

Re: Dkt. Nos. 19, 43, 47

Pending before the Court are three administrative motions, Dkt. Nos. 19, 43, 47, to file under seal certain documents relating to the motion to dismiss filed by Defendants Asil T. Gokcebay and Security People, Inc., Dkt. No. 21 (“Mot. to Dismiss”), the motion for preliminary injunction filed by Plaintiff Ojmar U.S., LLC, Dkt. No. 44 (“PI Mot.”), and the opposition thereto filed by Defendants, Dkt. No. 49 (“PI Opp.”). The administrative motions to file under seal are unopposed. See Dkt. Nos. 20, 48. Having carefully considered each of the requested redactions, the Court **GRANTS** the administrative motions to file under seal.

**I. LEGAL STANDARD**

Courts generally apply a “compelling reasons” standard when considering motions to seal documents. *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 677-78 (9th Cir. 2010). “This standard derives from the common law right ‘to inspect and copy public records and documents, including judicial records and documents.’” *Id.* (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)). “[A] strong presumption in favor of access is the starting point.” *Kamakana*, 447 F.3d at 1178 (citation and internal quotation marks omitted). To overcome this strong presumption, the moving party must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process.” *Id.* at 1178-79

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1 (citations, internal quotation marks, and alterations omitted). “In general, compelling reasons  
2 sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist  
3 when such court files might have become a vehicle for improper purposes, such as the use of  
4 records to gratify private spite, promote public scandal, circulate libelous statements, or release  
5 trade secrets.” *Id.* at 1179 (citation and internal quotation marks omitted). The court must  
6 “balance the competing interests of the public and the party who seeks to keep certain judicial  
7 records secret. After considering these interests, if the court decides to seal certain judicial  
8 records, it must base its decision on a compelling reason and articulate the factual basis for its  
9 ruling, without relying on hypothesis or conjecture.” *Id.* (citations, brackets, and internal  
10 quotation marks omitted).

11 Civil Local Rule 79-5 supplements the “compelling reasons” standard. The party seeking  
12 to file under seal must “establish[ ] that the document, or portions thereof, are privileged,  
13 protectable as a trade secret or otherwise entitled to protection under the law. . . . The request  
14 must be narrowly tailored to seek sealing only of sealable material . . . .” Civ. L.R. 79-5(b).

15 Finally, records attached to motions that are only “tangentially related to the merits of a  
16 case” are not subject to the strong presumption of access. *Ctr. for Auto Safety v. Chrysler Grp.,*  
17 *LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). Accordingly, parties moving to seal such records must  
18 meet the lower “good cause” standard of Rule 26(c) of the Federal Rules of Civil Procedure. *Id.* at  
19 1097. The “good cause” standard requires a “particularized showing” that “specific prejudice or  
20 harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors*  
21 *Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (citation and internal quotation marks omitted); see  
22 also Fed. R. Civ. P. 26(c).

23 **II. DISCUSSION**

24 Here, the Court applies the “compelling reasons” standard because the documents at issue  
25 have more than a tangential relation to the merits of the case. See *Ctr. for Auto Safety*, 809 F.3d at  
26 1101. The Court rules as follows:

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Motion	Document	Ruling	Reason
19	Mot. to Dismiss, Ex. 3, Ex. C at 5	GRANTED	Confidential Business Terms
19	Mot. to Dismiss, Ex. 4, Ex. C at 5	GRANTED	Confidential Business Terms
19	Mot. to Dismiss, Ex. 5, Ex. C at 5	GRANTED	Confidential Business Terms
43	PI Mot, Ex. 16 at 5 <sup>1</sup>	GRANTED	Confidential Business Terms
43	PI Mot, Ex. 17 at 5 <sup>2</sup>	GRANTED	Confidential Business Terms
43	PI Mot, Ex. 18 at 5 <sup>3</sup>	GRANTED	Confidential Business Terms
43	Oonk Decl. ISO PI Mot. ¶¶ 18, 40	GRANTED	Confidential Business Information
47	Gokcebay Decl. ISO PI Opp. ¶¶ 9-15	GRANTED	Confidential Business Information

**III. CONCLUSION**

For the foregoing reasons, the Court **GRANTS** the administrative motions to file under seal the specified documents. Pursuant to Civil Local Rule 79-5(f)(1), the documents filed under seal will remain under seal and the public will have access only to the redacted versions accompanying the parties’ motions.

**IT IS SO ORDERED.**

Dated: 1/26/2017

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

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<sup>1</sup> Exhibits 16-18 of Plaintiff’s motion for preliminary injunction are identical to Exhibits 3-5 of Defendants’ motion to dismiss, respectively.  
<sup>2</sup> Id.  
<sup>3</sup> Id.