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

JOYCE BENTON,  
Plaintiff,  
v.  
CLARITY SERVICES, INC.,  
Defendant.

Case No. [16-cv-06583-MMC](#)

**ORDER GRANTING IN PART AND  
DEFERRING RULING IN PART ON  
PLAINTIFF'S ADMINISTRATIVE  
MOTION TO SEAL; DIRECTIONS TO  
PARTIES**

Dkt No. 67

Before the Court is plaintiff Joyce Benton's ("Benton") unopposed Administrative Motion, filed January 23, 2018, to seal, pursuant to Civil Local Rule 79-5, ten documents submitted in connection with Benton's opposition to defendant Clarity Services, Inc.'s ("Clarity") motion for summary judgment. In response, Clarity, the party designating the above-referenced documents as confidential, filed, pursuant to said rule, a declaration in support of Benton's Administrative Motion. See Declaration of David M. Gettings in Support of Plaintiff's Administrative Motion to Seal ("Gettings Declaration"); Civil L.R. 79-5(e) (providing, where submitting party seeks to file under seal documents designated as confidential by opposing party or non-party, designating party must file declaration establishing such documents are sealable).

"A sealing order may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law." See Civil L.R. 79-5(a). "The request must be narrowly tailored to seek sealing only of sealable material." See id.

1 The Court, having reviewed the Gettings Declaration, finds as follows:

2 1. Clarity has shown good cause exists to seal, in their entirety, Exhibits 1-3, 1-4,  
3 1-8, 1-9, 1-13, and 1-14 to the Declaration of Christian Schreiber in Support of Plaintiff's  
4 Opposition to Defendant's Motion for Summary Judgment ("Schreiber Declaration").

5 Accordingly, to the extent Benton seeks an order sealing Exhibits 1-3, 1-4, 1-8, 1-  
6 9, 1-13, and 1-14, the motion is hereby GRANTED.


7 2. Clarity has shown good cause exists to seal the portions of Exhibits 1-10, 1-12,  
8 and 1-15 to the Schreiber Declaration pertaining to product pricing information.

9 Accordingly, to the extent Benton seeks an order sealing such portions of Exhibits  
10 1-10, 1-12, and 1-15, the motion is hereby GRANTED, and Benton is hereby DIRECTED  
11 to file in the public record, no later than February 16, 2018, redacted versions of Exhibits  
12 1-10, 1-12, and 1-15 as attachments to a separate document titled "Redacted Exhibits to  
13 the Declaration of Christian Schreiber in Support of Plaintiff's Opposition to Defendant's  
14 Motion for Summary Judgment."

15 3. Although Clarity's response does not address Exhibit 3-4 to the Schreiber  
16 Declaration, the Court notes said exhibit is an agreement between two entities who are  
17 not parties to the instant lawsuit. As the reason for Clarity's designation of said exhibit is  
18 not reflected in the record, the Court hereby DEFERS ruling on the sealing thereof, and  
19 Clarity is hereby DIRECTED to serve on each said non-party entity, no later than  
20 February 20, 2018, a copy of this Order along with a copy of Exhibit 3-4, and each said  
21 entity is hereby afforded leave to file, no later than March 2, 2018, a declaration setting  
22 forth any reasons warranting the sealing of said exhibit.

23 **IT IS SO ORDERED.**

24  
25 Dated: February 12, 2018

26   
27 MAKINE M. CHESNEY  
28 United States District Judge