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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.**

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25 Dated: February 12, 2018

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MAKINE M. CHESNEY
United States District Judge