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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 FREECYCLESUNNYVALE, a California
9 unincorporated association,

No. C 06-00324 CW

10 Plaintiff/Counterclaim-
11 Defendant,

ORDER DENYING
WITHOUT PREJUDICE
DEFENDANT'S
MOTION TO SEAL

12 v.

13 THE FREECYCLE NETWORK, INC., an
14 Arizona corporation,

[DOCKET NO. 107]

15 Defendant/Counterclaimant.
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17 _____/

18 Defendant and Counterclaimant the Freecycle Network has filed
19 a motion to file multiple exhibits to the declarations of Lisa
20 Kobialka and Deron Beal under seal. Defendant has also filed a
21 declaration in support of the motion stating only that the
22 documents "contain information that The Freecycle Network and/or
23 Plaintiff FreecycleSunnyvale consider to be confidential,
24 proprietary, and/or trade secret information." Kobialka
25 Declaration at 2. It appears that most, if not all, of the
26 documents are emails posted to various yahoo or gmail e-mail
27 groups. The declaration does not establish how or whether
28 membership to those groups is limited to the public. Further, many
of the emails that Defendant seeks to file under seal contain the

1 public rules of the Freecycle groups. It is not clear why those
2 documents should be filed under seal. Finally, if Defendant seeks
3 to file any of the documents under seal because Plaintiff considers
4 the information to be confidential, it must move pursuant to Civil
5 Local Rule 79-5(d) and Plaintiff must file a declaration in support
6 of the motion.

7 As stated in the stipulated protective order, "Mass,
8 indiscriminate, or routinized designations are prohibited." August
9 10, 2006 Order Granting Stipulation for Protective Order at 4.
10 Defendant's motion to seal is DENIED without prejudice. Defendant
11 may file an amended motion to seal and further declarations in
12 support of its motion within one week of the date of this order.
13 Otherwise, the documents will be filed in the public record. The
14 Clerk of the Court shall retain the lodged documents for one week
15 if Defendant wishes to retrieve them.

16 IT IS SO ORDERED.

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18 Dated: 9/11/07



CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California

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