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

GOPI VEDACHALAM and KANGANA BERI,

No. C 06-0963 CW

Plaintiffs,

ORDER DENYING
WITHOUT PREJUDICE
DEFENDANTS'
MOTION TO SEAL
(Docket No. 148)

v.

TATA AMERICA INTERNATIONAL
CORPORATION, et al.,

Defendants.

Defendants Tata America International Corporation; Tata Consultancy Services, Ltd.; and Tata Sons, Ltd., move for leave to file under seal Exhibits A, F, G, L, V, Y, Z, CC, GG, HH, KK, MM, PP, QQ, WW and XX to the Declaration of Kevin J. Smith filed in support of their Motion for Partial Summary Judgment and Exhibits 1 and 2 to the Declaration of Ashok Mukherjee filed in support of the same.

Defendants' filings are connected to a dispositive motion. Accordingly, it "must overcome a strong presumption of access by showing that 'compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted). This

1 cannot be established simply by showing that a document is subject
2 to a protective order or by stating in general terms that the
3 material is considered to be confidential, but rather must be
4 supported by a sworn declaration demonstrating with particularity
5 the need to file each document under seal. Civ. L.R. 79-5(a). If
6 a document has been designated as confidential by another party,
7 that party must file a declaration establishing that the document
8 is sealable. Civ. L.R. 79-5(d).

9 Defendants assert that these documents must be sealed because
10 they "contain sensitive, proprietary or confidential information."
11 Smith Decl. ¶ 3. This general statement is not sufficient to
12 support the sealing of documents related to a dispositive motion.
13 Defendants also note that some of these documents have been
14 designated confidential by Plaintiffs Gopi Vedachalam and Kangana
15 Beri, which requires Plaintiffs to file a declaration supporting
16 Defendants' motion. They have not done so.

17 Accordingly, Defendants' motion for leave to file documents
18 under seal is DENIED without prejudice. Within three days of the
19 date of this Order, Defendants may renew their motion, so long as
20 they support it with a declaration demonstrating with particularity
21 the need to file each of the documents under seal. Further,
22 Defendants shall identify the documents Plaintiffs designated as
23 confidential. Plaintiffs may then file a declaration establishing
24 the sealability of these documents within seven days of the date
25 Defendants file their renewed motion; if Plaintiffs fail to do so,
26 the documents they designated as confidential shall be filed in the
27 public record.

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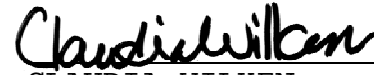
1 In the alternative, Defendants may decline to renew their
2 motion and file in the public record the documents they have
3 designated as confidential.

4 IT IS SO ORDERED.

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6 Dated: 2/7/2011

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CLAUDIA WILKEN
United States District Judge

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