

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

3  
4 ROBERT CURRY, et al.,

No. C 09-5094 CW

5                                    Plaintiffs,

ORDER DENYING  
MOTION TO FILE

6                                    v.

UNDER SEAL (Docket  
No. 127)

7 HANSEN MEDICAL, INC., et al.,

8                                    Defendants.

9 \_\_\_\_\_/  
10                                   Plaintiffs Robert Curry, Kim Prenter, Muthusamy Sivanantham,  
11 Jean Cawood, and Gary Cawood move to file under seal portions of  
12 their proposed fourth amended complaint (4AC) and corresponding  
13 motion for leave to amend.

14                                   Because the public interest favors filing all court documents  
15 in the public record, any party seeking to file a document under  
16 seal must demonstrate good cause to do so. Pintos v. Pac.  
17 Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. 2010). This cannot  
18 be established simply by showing that the document is subject to a  
19 protective order or by stating in general terms that the material  
20 is considered to be confidential, but rather must be supported by  
21 a sworn declaration demonstrating with particularity the need to  
22 file each document under seal. See Civil L.R. 79-5(a). If a  
23 document has been designated as confidential by another party,  
24 that party must file a declaration establishing that the document  
25 is sealable. Civil L.R. 79-5(d).

26                                   Here, Plaintiffs have filed a declaration from Ex Kano S.  
27 Sams II in support of their motion to file under seal. However,  
28 neither the Sams Declaration nor the motion itself specifies the

1 precise reasons why the redacted portions of Plaintiffs' proposed  
2 4AC and their motion for leave to amend are "privileged or  
3 protectable as a trade secret or otherwise entitled to protection  
4 under the law." See Civil L.R. 79-5(a). Indeed, it is unclear  
5 from Plaintiffs' papers which party is designating the redacted  
6 material confidential and on what basis they seek to do so.

7 Accordingly, Plaintiffs' motion for leave to file under seal  
8 (Docket No. 127) is DENIED. Within five days of this order,  
9 Plaintiffs shall file unredacted versions of their proposed 4AC  
10 and motion for leave to amend in the public record or submit a  
11 renewed motion to file these documents under seal. Any renewed  
12 motion to file under seal must identify with particularity why the  
13 redacted material is privileged or legally protected, as required  
14 by Civil Local Rule 79-5(a).

15 IT IS SO ORDERED.

16  
17 Dated: 1/23/2013

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20 CLAUDIA WILKEN  
21 United States District Judge  
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