

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

3
 4 BRILLIANT INSTRUMENTS, INC.,

No. C 09-5517 CW

5 Plaintiff,

ORDER REGARDING
 MOTION OF
 BRILLIANT
 INSTRUMENTS, INC.
 FOR LEAVE TO FILE
 UNDER SEAL
 EXHIBITS F, G AND
 Q TO THE LATHRAM
 DECLARATION
 (Docket No. 189)

6 v.

7 GUIDETECH, INC.,

8 Defendant.

9 _____/
 10 _____/
 11 AND ALL RELATED COUNTERCLAIMS
 12 _____/

13 On November 1, 2011, Plaintiff and Counter-Defendant
 14 Brilliant Instruments, Inc. filed a motion pursuant to Local Rule
 15 79-5 seeking authorization to file under seal Exhibits F, G and Q
 16 to the Declaration of Thomas W. Lathram, submitted in support of
 17 its Reply in Further Support of its Motion for Attorneys' Fees and
 18 Non-Taxable Costs. In support of its motion to seal, Movant
 19 offered a declaration that states that the exhibits have been
 20 designated as "Confidential" or "Highly Confidential-Attorney's
 21 Eyes Only" by Defendant and Counter-Claimant GuideTech, LLC
 22 pursuant to the protective order in this case. Lathram Decl. ¶ 3.

23 Because the public interest favors filing all court documents
 24 in the public record, any party seeking to file a document under
 25 seal must demonstrate good cause to do so. Pintos v. Pac.
 26 Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. 2010). This cannot
 27 be established simply by showing that the document is subject to a
 28

1 protective order or by stating in general terms that the material
2 is considered to be confidential, but rather must be supported by
3 a sworn declaration demonstrating with particularity the need to
4 file each document under seal. See Civil L.R. 79-5(a). If a
5 document has been designated as confidential by another party,
6 that party must file a declaration establishing that the document
7 is sealable within seven days after the motion to seal was filed.
8 Civ. Local R. 79-5(d). If the designating party does not file its
9 responsive declaration, the document or proposed filing will be
10 made part of the public record. Id.

11 GuideTech, LLC, as the party designating the material as
12 confidential, has not yet filed a responsive declaration in
13 support of Brilliant Instruments, Inc.'s motion to seal. Within
14 three days of this order, GuideTech, LLC shall file a declaration
15 in support of the motion to seal. The declaration must state with
16 particularity good cause to file each exhibit under seal in light
17 of Local Rule 79-5 and applicable law.

18 If GuideTech, LLC fails to file its responsive declaration as
19 required by this order, the exhibits will be made part of the
20 public record.

21 In the future, all parties must follow Local Rule 79-5 and
22 these procedures.

23 IT IS SO ORDERED.

24
25 Dated: 11/14/2011

26 
27 CLAUDIA WILKEN
28 United States District Judge