

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

3
4 ADOBE SYSTEMS INCORPORATED,

No. C 10-2769 CW

5 Plaintiff,

ORDER GRANTING IN
PART PLAINTIFF'S
MOTION TO FILE
UNDER SEAL (Docket
No. 209)

6 v.

7 HOOPS ENTERPRISE LLC; and ANTHONY
8 KORNRUMPF,

9 Defendants.

10 _____/
11 AND ALL RELATED CLAIMS
12 _____/

13 Plaintiff Adobe Systems Inc. has filed a motion to file under
14 seal portions of the declaration of Annie S. Wang, submitted
15 pursuant to the Court's June 1, 2012 Order Converting Plaintiff's
16 First Motion in Limine into a Motion for Partial Summary Judgment,
17 and the entirety of Exhibits B, C, D and G attached to the Wang
18 declaration. Plaintiff has already filed a redacted version of
19 the Wang declaration in the public record. Docket No. 208.

20 Plaintiff's filings are connected to a dispositive motion.
21 To do establish that the documents are sealable, the parties "must
22 overcome a strong presumption of access by showing that
23 'compelling reasons supported by specific factual findings . . .
24 outweigh the general history of access and the public policies
25 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d
26 665, 679 (9th Cir. 2010) (citation omitted). This cannot be
27 established simply by showing that the documents are subject to a
28 protective order or by stating in general terms that the material

1 is considered to be confidential, but rather must be supported by
2 a sworn declaration demonstrating with particularity the need to
3 file each document under seal. Civil Local Rule 79-5(a).

4 The Court has previously granted leave to file under seal a
5 settlement agreement, which the parties had executed to settle
6 prior litigation between them and had agreed to keep confidential
7 as part of the terms of settlement, and other documents that
8 excerpted or referenced the terms of that settlement agreement.
9 See, e.g., Docket Nos. 150, 193, 201. Plaintiff represents that
10 the portions of the Wang declaration that it seeks to seal and
11 Exhibits B and C contain excerpts and references to the terms of
12 that settlement agreement. Wang Decl. ¶ 3. Plaintiff also seeks
13 to seal Exhibit D, which contains its Early Neutral Evaluation
14 Statement prepared for settlement purposes in the prior litigation
15 and which is confidential pursuant to ADR Local Rule 5-12. Having
16 reviewed these documents, the Court finds that Plaintiff has
17 established that they are sealable.

18 Plaintiff further represents that it seeks to seal Exhibit G,
19 because it contains email addresses and other identifying
20 information of third parties, which is not otherwise publicly
21 known. Wang Decl. ¶ 3. Having reviewed the document, the Court
22 finds good cause to support seal the portions of Exhibit G that
23 contain such identifying information, but not the entirety of this
24 exhibit.

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For the reasons set forth above, the Court GRANTS in part Plaintiff's motion to file under seal (Docket No. 209). Within four days of the date of this Order, Plaintiff shall file under seal the unredacted Wang declaration and Exhibits B, C, D and G attached thereto, and shall file a properly redacted version of Exhibit G in the public record.

IT IS SO ORDERED.

Dated: 6/6/2012



CLAUDIA WILKEN
United States District Judge