

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
DEFENDANTS' MOTION
TO FILE UNDER SEAL
(Docket No. 216)

6 v.

7 HOOPS ENTERPRISE LLC; and ANTHONY
8 KORNRUMPF,

9 Defendants.

10 _____/
11 AND ALL RELATED CLAIMS
12 _____/

13 Defendants Hoops Enterprise LLC and Anthony Kornrumpf seek
14 leave to seal portions of their supplemental brief in opposition
15 to the motion for partial summary judgment filed by Plaintiff
16 Adobe Systems Inc., portions of the supplemental Kornrumpf and
17 Boyce declarations and Exhibit D to the Boyce Declaration, and the
18 entirety of Exhibit E to the Boyce declaration. Defendants have
19 already filed a redacted version of their supplemental brief, the
20 Kornrumpf and Boyce declarations and Exhibit D in the public
21 record. Docket No. 215.

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

1 that the documents are subject to a protective order or by stating
2 in general terms that the material is considered to be
3 confidential, but rather must be supported by a sworn declaration
4 demonstrating with particularity the need to file each document
5 under seal. Civil Local Rule 79-5(a).

6 The Court has previously granted leave to file under seal a
7 settlement agreement, which the parties had executed to settle
8 prior litigation between them and had agreed to keep confidential
9 as part of the terms of settlement, and other documents that
10 excerpted or referenced the terms of that settlement agreement.
11 See, e.g., Docket Nos. 150, 193, 201, 210. Defendants represent
12 that Exhibit E contains a copy of the settlement agreement, and
13 that the portions of the other documents that they seek to seal,
14 including the supplemental brief, Boyce and Kornrumpf declarations
15 and Exhibit D, contain excerpts and references to the terms of
16 that settlement agreement. Boyce Decl. ¶¶ 5-8. Having reviewed
17 these documents, the Court finds that Defendants have established
18 that they are sealable.

19 For the reasons set forth above, the Court GRANTS Defendants'
20 motion to file under seal (Docket No. 216). Within four days of
21 the date of this Order, Defendants shall file under seal their
22 unredacted supplemental brief, the Boyce and Kornrumpf
23 declarations and Exhibits D and E to the Boyce declaration.

24 IT IS SO ORDERED.

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26 Dated: 6/11/2012

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28 CLAUDIA WILKEN
United States District Judge