

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

3
4 ACTUATE CORPORATION, a California
corporation,

5 Plaintiff,

6 v.

7 CONSTRUCTION SPECIALTIES, INC. ;
8 and DOES 1 through 10,

9 Defendants.

No. C 10-4444 CW

ORDER REGARDING
DEFENDANT
CONSTRUCTION
SPECIALTIES,
INC.'S MOTION TO
SEAL

10 _____/

11 On April 5, 2012, Defendant Construction Specialties, Inc.
12 filed an administrative motion to seal pursuant to this Court's
13 Local Rule 79-5. The motion accompanied Defendant's motion for
14 partial summary judgment. Defendant seeks to file under seal
15 Exhibits G, K and L to the Declaration of Craig S. Hilliard in
16 support of its motion for partial summary judgment. As the basis
17 for the motion, Defendant contends that Plaintiff Actuate
18 Corporation previously designated these items "Confidential" under
19 the Protective Order entered on March 28, 2011.

20 Under Local Rule 79-5(d),

21 If a party wishes to file a document that has been
22 designated confidential by another party pursuant to a
23 protective order . . . the submitting party must file
24 and serve an Administrative Motion for a sealing order
25 and lodge the document, memorandum or other filing in
26 accordance with this rule . . . Within 7 days
27 thereafter, the designating party must file with the
28 Court and serve a declaration establishing that the
designated information is sealable, and must lodge and
serve a narrowly tailored proposed sealing order, or
must withdraw the designation of confidentiality. If
the designating party does not file its responsive
declaration as required by this subsection, the

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document or proposed filing will be made part of the public record.

Plaintiff has not filed a declaration in support of sealing the exhibits, as required by Local Rule 79-5(d). However, it is not clear that Defendant has served on Plaintiff all of the papers in connection with motion to seal, in particular, Brian Clark's declaration in support of the motion.

Thus, the Court reserves judgment regarding the motion. On or before April 26, 2012, Defendant shall serve Plaintiff the motion and all supporting papers, or notify the Court that it has already done so. In the event that Plaintiff seeks to seal the information, it shall file a declaration in support of the motion by May 2, 2012.

IT IS SO ORDERED.

Dated: 4/25/2012



CLAUDIA WILKEN
United States District Judge