

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

3  
4 DEREK KERR,

No. C 10-5733 CW

5                                    Plaintiff,

ORDER REGARDING

MOTION TO FILE

6                                    v.

UNDER SEAL (Docket

No. 47)

7 THE CITY AND COUNTY OF SAN  
8 FRANCISCO; MITCHELL H. KATZ;  
9 MIVIC HIROSE; and COLLEEN RILEY,

10                                    Defendants.

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12                    On May 31, 2012, Defendants City and County of San Francisco,  
13 Mitchell H. Katz, Mivic Hirose and Colleen Riley filed a motion to  
14 file under seal Exhibit A to the second declaration of Jonathan  
15 Rolnick in support of their motion for summary judgment. Docket  
16 No. 47. Defendants represent that Plaintiff has designated  
17 Exhibit A as confidential under the protective order in this case.  
18 Rolnick Decl. in Supp. of Mot. to Seal ¶ 2.

19                    If a party wishes to file a document that has been designated  
20 confidential by another party, the submitting party must file and  
21 serve an Administrative Motion for a sealing order. Civil Local  
22 Rule 79-5(d). Within seven days after the administrative motion  
23 is filed, the designating party must file a declaration  
24 establishing that the information is sealable. Id. If the  
25 designating party does not file its responsive declaration, the  
26 document or proposed filing will be made part of the public  
27 record. Id.

28                    Because Exhibit A is connected to a dispositive motion, to  
establish that it is sealable, Plaintiff "must overcome a strong

1 presumption of access by showing that 'compelling reasons  
2 supported by specific factual findings . . . outweigh the  
3 general history of access and the public policies favoring  
4 disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679  
5 (9th Cir. 2010) (citation omitted). This cannot be established  
6 simply by showing that the document is subject to a protective  
7 order or by stating in general terms that the material is  
8 considered to be confidential, but rather must be supported by a  
9 sworn declaration demonstrating with particularity the need to  
10 file each document under seal. Civil Local Rule 79-5(a).

11 As of the date of this Order, Plaintiff has not filed a  
12 declaration establishing that Exhibit A is sealable. The Court  
13 grants Plaintiff seven days from the date of this Order to file  
14 such a declaration. If Plaintiff fails to do so, Exhibit A will  
15 be made part of the public record.

16 IT IS SO ORDERED.

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18 Dated: July 11, 2012

  
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CLAUDIA WILKEN  
United States District Judge

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