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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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8 CITY OF OAKLAND, a Municipal
9 Corporation, Acting By and Through Its Board
10 of Port Commissioners,

11 Plaintiff-Counterclaim Defendant,

12 v.

13 SSA TERMINALS, LLC, et al.,

14 Defendants-Counterclaimants.

Case No.: 11-01446-YGR

**ORDER DENYING PLAINTIFF'S MOTION TO
FILE UNDER SEAL**

15 Plaintiff City of Oakland ("City") filed an Administrative Motion to File Under Seal
16 ("Motion") on April 15, 2013. (Dkt. No. 147.) The City seeks a sealing order for Exhibits C and E to
17 the Declaration of Richard T. White in Support of Plaintiff and Counterdefendant's Motions in
18 Limine 1-5 because the documents have been designated "Highly Confidential" and "Attorney's
19 Eyes Only" pursuant to the Protective Order in this action. The City states that Defendants
20 designated the documents as confidential.

21 This Motion falls under Civ. L.R. 79-5(d), which addresses "Filing a Document Designated
22 Confidential by Another Party." L.R. 79-5(d) states that a non-designating party wishing to file a
23 document designated confidential must file and serve an administrative motion to seal and lodge the
24 document or memorandum in accordance with the Local Rule. "Within 7 days thereafter, the
25 designating party must file with the Court and serve a declaration establishing that the designated
26 information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must
27 withdraw the designation of confidentiality. If the designating party does not file its responsive
28 declaration as required by this subsection, the document or proposed filing will be made part of the

1 public record.” Civ. L.R. 79-5(d).

2 The City filed this Motion because Exhibits C and E were marked “Highly Confidential” and
3 “Attorney’s Eyes Only” under Protective Order by Defendants. Defendants, however, did not file a
4 declaration establishing that the designated exhibits at issue in the Motion are sealable, nor did
5 counsel lodge and serve a narrowly-tailored proposed sealing order or withdraw the designation of
6 confidentiality. *See* Civ. L.R. 79-5(d). Moreover, Civ. L.R. 79-5(a) specifically provides that “[a]
7 stipulation, or a blanket protective order that allows a party to designate documents as sealable, will
8 not suffice to allow the filing of documents under seal.”

9 Having failed to establish that either Exhibit C or E is sealable under Civ. L.R. 79-5(a), the
10 Administrative Motion to File Under Seal is hereby **DENIED**.

11 The Clerk shall unlock Exhibits C and E of Dkt. No. 142, which is currently locked pursuant
12 to this Court’s Order (Dkt. No. 151).

13 This Order terminates Dkt. No. 147.

14 **IT IS SO ORDERED.**

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16 Dated: April 23, 2013

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18 **YVONNE GONZALEZ ROGERS**
19 **UNITED STATES DISTRICT COURT JUDGE**

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