

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

3
4 UNITED STATES COMMODITY FUTURES
5 TRADING COMMISSION,

6 Plaintiff,

7 v.

8 PARON CAPITAL MANAGEMENT, LLC,
9 and JAMES D. CROMBIE,

10 Defendants.

No. C 11-4577 CW

ORDER REGARDING
DEFENDANT JAMES D.
CROMBIE'S
ADMINISTRATIVE
MOTION TO FILE
UNDER SEAL
(Docket No. 42)

11
12 Pro se Defendant James D. Crombie seeks file under seal "a
13 portion of [his] Reply to Plaintiff's response brief" regarding
14 Defendant's motion to dismiss Plaintiff's complaint. From the
15 content of the motion and supporting affidavit, it is apparent
16 that Defendant seeks to file under seal Exhibit 13 to his reply,
17 which contains bank statements from JDC Ventures, LLC, a company
18 owned by Defendant. Mot. at 2; Crombie Decl. 1-2. The Court
19 notes that the bank statements include complete account numbers.
20

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

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

6 In his declaration in support of his motion to seal,
7 Defendant states that the business bank statements that he seeks
8 to file under seal "are confidential and customer-sensitive and
9 contained [sic] proprietary business and customer information."
10 Crombie Decl. 1-2. Defendant, however, does not provide
11 "compelling reasons supported by specific factual findings" to
12 demonstrate the need for these documents to be filed under seal.
13 Pintos, 605 F.3d at 679. As such, Defendant has not provided
14 sufficient information to support the filing of the documents
15 under seal at this time.
16

17
18 Defendant shall be permitted four days from the date of this
19 order to comply with these requirements, including to provide
20 specific information regarding the need to protect Exhibit 13 from
21 public disclosure. If Defendant fails to do so, his motion will
22 be denied. Filings made hereunder may not exceed five pages,
23 excluding declarations and exhibits.
24

25 IT IS SO ORDERED.

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27 Dated: 12/13/2011

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CLAUDIA WILKEN
United States District Judge