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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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9 **MICHAEL KOSTA AND STEVE BATES,**
10 individuals on their own behalf and on behalf
11 of all others similarly situated,

12 Plaintiffs,

13 vs.

14 **DEL MONTE FOODS, INC.,**

15 Defendant.
16

Case No.:12-cv-1722-YGR

ORDER GRANTING MOTIONS TO SEAL

(Dkt. Nos. 121, 127, 130, 144, 173, 181, 194)

17 Plaintiffs have filed a motion to seal portions of the declaration of Dr. Oral Capps, Jr.
18 submitted in connection with their motion for class certification, at ¶¶ 12, 13, 18, 30, as well as
19 Exhibit C to that declaration. (Dkt. No. 173.) Del Monte's counsel avers that these documents
20 contain sensitive business information is not publicly available or known to Del Monte's
21 competitors

22 Defendant has filed a motion to seal (Dkt. No. 181) the following documents submitted in
23 connection with its opposition to the motion for class certification:

- 24 • Exhibits U, V, and W to the Declaration of Liam Farrell in Support of Del Monte
25 Foods, Inc.'s, Opposition to Class Certification, in their entirety;
- 26 • Exhibits 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 to the Declaration of Dr. Keith
27 Ugone in Support of Del Monte Foods, Inc.'s, Opposition to Class Certification in
28 their entirety; and

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- Portions of the Declaration of Dr. Keith Ugone in Support of Del Monte Foods, Inc.'s, Opposition to Class Certification at paragraphs 41, 52, 53, 55, 56, 57, 59, 60, 62, 63, 64, and 72.

Del Monte's counsel avers that these documents contain highly sensitive and confidential market research, brand strategies, pricing, sales and other proprietary information.

Plaintiffs filed a motion to seal certain documents submitted in connection with their reply (Dkt. No. 194), *i.e.* portions of the Reply Declaration of Dr. Oral Capps, Jr. at ¶¶ 9, 25, 26, 27, 33, and Exhibits A.1, A.2, A.3, and C thereto. Again, these documents are represented by counsel for Del Monte as containing sensitive sales and pricing data not known to Del Monte's business competitors.


Documents submitted in connection with non-dispositive motions may be sealed when good cause has been shown. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir.2006). The Court finds that good cause has been shown to seal the documents or portions of documents identified in these motions.

The documents are **ORDERED SEALED** for purposes of consideration of the motions in connection with which they were submitted *only*. Should any party wish to seal portions of the documents in connection with any later motion or trial, they will need to make a sufficient showing at that time.

This Order terminates Docket Nos. 173, 181, and 194, as well as Docket Nos. 121, 127, 130, and 144.¹

IT IS SO ORDERED.

Date: February 5, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹ The parties previously filed several motions to seal in connection with briefing on their previous motion for class certification (and related motions to strike). (Dkt. Nos. 121, 127, 130, and 144.) By order issued September 4, 2014, the Court denied that motion for class certification without prejudice to re-filing, and denied the motions to strike as moot in light of the ruling on class certification. Those motions to seal are terminated as moot. The matters submitted under seal in those motions shall remain under seal.