

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 **JOHN LOFTON,**
5 Plaintiff,

6 v.

7 **VERIZON WIRELESS (VAW) LLC,**
8 Defendant.
9

Case No. 13-cv-05665-YGR

ORDER DENYING MOTION TO SEAL

Re: Dkt. No. 131

10 On April 8, 2015, the plaintiff filed an administrative motion to seal portions of his Fourth
11 Amended Complaint. (Dkt. No. 131.) The plaintiff took no position as to the propriety of sealing
12 the material at issue, but merely filed the motion in light of earlier confidentiality designations (or
13 possible designations) by the defendant.

14 Where a party files a motion to seal solely because the document at issue contains material
15 “designated as confidential by the opposing party or a non-party pursuant to a protective order,”
16 the designating party is “required” to file a responsive declaration within four days “establishing
17 that all of the designated material is sealable.” Civ. L. R. 79-5(e).

18 The defendant failed to file the required declaration. On April 17 and April 20, 2015, the
19 Court informally advised the parties of the failure and inquired as to whether such a declaration
20 would be forthcoming. On April 20, 2015, the defendant noted that it did not intend to file the
21 required declaration. In light of these circumstances and consequently finding insufficient support
22 in the record for sealing the material in question, the Court hereby **DENIES** plaintiff’s motion to
23 seal.

24 This Order terminates Docket Number 131.

25 **IT IS SO ORDERED.**

26 Dated: April 22, 2015

27 
28 **YVONNE GONZALEZ ROGERS**
UNITED STATES DISTRICT COURT JUDGE