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4 **UNITED STATES DISTRICT COURT**  
5 **NORTHERN DISTRICT OF CALIFORNIA**

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8 **IN RE: LITHIUM ION BATTERIES**  
9 **ANTITRUST LITIGATION**

**Master File No.: 13-MD-2420 YGR**

**Case No.: 15-CV-02987**

10 **This Order Relates to:**

**ORDER DENYING WITHOUT PREJUDICE**  
**ADMINISTRATIVE MOTION TO SEAL**

11 **DELL INC., et al.,**

12 **Plaintiffs,**

13 **LG CHEM, LTD, et al.,**

14 **Defendants.**

15 Plaintiff has moved the Court for an Order sealing various portions of its Complaint. (Dkt.  
16 No. 3.) While the Ninth Circuit has not squarely addressed the appropriate standard to apply in  
17 considering a request to seal portions of a complaint, the Court agrees with others in this District  
18 that have applied the “compelling reasons” standard. *See Delfino Green & Green v. Workers*  
19 *Compensation Solutions, LLC*, No. 15-CV-02302-HSG, 2015 WL 4235356, at \*2 (N.D. Cal. July  
20 13, 2015); *In re NVIDIA Corp. Derivative Litig.*, No. 06-CV-06110-SBA, 2008 WL 1859067, at \*3  
21 (N.D. Cal. Apr. 23, 2008); *In re Google Inc. Gmail Litig.*, No. 13-MD-02430-LHK, 2013 WL  
22 5366963, at \*2 (N.D. Cal. Sept. 25, 2013) (“The Ninth Circuit has not explicitly stated the  
23 standard—good cause or compelling reasons—that applies to the sealing of a complaint, but this  
24 Court and other courts have held that the compelling reasons standard applies because a complaint  
25 is the foundation of a lawsuit.”). Under that standard, a “party seeking to seal judicial records must  
26 show that ‘compelling reasons supported by specific factual findings . . . outweigh the general  
27 history of access and the public policies favoring disclosure.’” *Id.* (quoting *Kamakana v. City and*  
28 *County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006)). The trial court must weigh relevant


1 factors including the “public interest in understanding the judicial process and whether disclosure  
2 of the material could result in improper use of the material for scandalous or libelous purposes or  
3 infringement upon trade secrets.” *Id.* at 679 n.6 (quoting *Hagestad v. Tragesser*, 49 F.3d 1430,  
4 1434 (9th Cir. 1995)). While the decision to grant or deny a motion to seal is within the trial  
5 court’s discretion, the trial court must articulate its reasoning in deciding a motion to seal. *Id.* at  
6 679. Given the importance of the competing interests at stake, any sealing order must be narrowly  
7 tailored. Civ. L.R. 79-5 (a).

8 Plaintiffs seek to seal four of their six causes of action—namely those asserting breach of  
9 contract—including the identities of the defendant(s) against whom those claims are asserted. The  
10 logical effect of plaintiffs’ request would be to seal almost the entirety of their case, including all  
11 proceedings related thereto. Plaintiffs have provided insufficient justification for sealing the  
12 identities of the defendant(s) or the entirety of the purported “highly confidential” contract terms at  
13 issue, particularly where doing so would necessarily result in almost this entire case being tried  
14 outside of the public’s view. The motion is therefore **DENIED WITHOUT PREJUDICE** to plaintiffs  
15 filing of a renewed request within **seven (7) days** of the date of this Order. If plaintiffs do not file a  
16 renewed request, they shall file an un-redacted version of the Complaint on the public docket by  
17 that same deadline.

18 This Order terminates Docket Number 3.

19 **IT IS SO ORDERED.**

20 Dated: August 27, 2015

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22 YVONNE GONZALEZ ROGERS  
23 UNITED STATES DISTRICT COURT JUDGE  
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