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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAEXELTIS USA INC.,
Plaintiff,

v.

FIRST DATABANK, INC.,
Defendant.Case No. [17-cv-04810-HSG](#)**ORDER GRANTING IN PART AND
DENYING IN PART MOTIONS TO
SEAL**

Re: Dkt. Nos. 167, 179,

Pending before the Court are the parties' administrative motions to file under seal portions of documents in connection with motions for summary judgment and Daubert motions. The Court **GRANTS IN PART** and **DENIES IN PART** the motions for the reasons described below.

I. LEGAL STANDARD

Courts generally apply a "compelling reasons" standard when considering motions to seal documents. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)). "This standard derives from the common law right 'to inspect and copy public records and documents, including judicial records and documents.'" *Id.* (quoting *Kamakana*, 447 F.3d at 1178). "[A] strong presumption in favor of access is the starting point." *Kamakana*, 447 F.3d at 1178 (quotations omitted). To overcome this strong presumption, the party seeking to seal a judicial record attached to a dispositive motion must "articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process" and "significant public events." *Id.* at 1178–79 (quotations omitted). "In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such 'court files might have become a

1 vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public
2 scandal, circulate libelous statements, or release trade secrets.” Id. at 1179 (quoting *Nixon v.*
3 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). “The mere fact that the production of records
4 may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not,
5 without more, compel the court to seal its records.” Id.

6 Civil Local Rule 79-5 supplements the “compelling reasons” standard. The party seeking
7 to file under seal must submit “a request that establishes that the document, or portions thereof, are
8 privileged, protectable as a trade secret or otherwise entitled to protection under the law The
9 request must be narrowly tailored to seek sealing only of sealable material” Civil L.R. 79-
10 5(b). Courts have found that “confidential business information” in the form of “license
11 agreements, financial terms, details of confidential licensing negotiations, and business strategies”
12 satisfies the “compelling reasons” standard. See *In re Qualcomm Litig.*, No. 3:17-cv-0108-GPC-
13 MDD, 2017 WL 5176922, at *2 (S.D. Cal. Nov. 8, 2017) (observing that sealing such information
14 “prevent[ed] competitors from gaining insight into the parties’ business model and strategy”);
15 *Finisar Corp. v. Nistica, Inc.*, No. 13-cv-03345-BLF (JSC), 2015 WL 3988132, at *5 (N.D. Cal.
16 June 30, 2015).

17 Records attached to nondispositive motions must meet the lower “good cause” standard of
18 Rule 26(c) of the Federal Rules of Civil Procedure, as such records “are often unrelated, or only
19 tangentially related, to the underlying cause of action.” See *Kamakana*, 447 F.3d at 1179–80
20 (quotations omitted). This requires a “particularized showing” that “specific prejudice or harm
21 will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*,
22 307 F.3d 1206, 1210–11 (9th Cir. 2002); see also Fed. R. Civ. P. 26(c). “Broad allegations of
23 harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman*
24 *Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992) (quotation omitted).

25 II. DISCUSSION

26 Because the parties seek to seal portions and documents which pertain to summary
27 judgment motions, the Court applies the compelling reasons standard to these documents. The
28 Court applies the lower good cause standard for those documents related to the parties’ *Daubert*

1 motions.

2 As indicated in the table below, the only proffered justification for sealing many of the
3 documents is that the information was designated as “confidential” or “confidential – attorneys’
4 eyes only” by either Plaintiff or Defendant pursuant to the parties’ protective order. But a
5 designation of confidentiality is not sufficient to establish that a document is sealable. See Civ. L.
6 R. 79-5(d)(1)(A). “Confidential” is merely the parties’ initial designation of confidentiality to
7 establish coverage under the stipulated protective order. See *Verinata Health, Inc. v. Ariosa*
8 *Diagnostics, Inc.*, No. 12-cv-05501-SI, 2015 WL 5117083, at *5 (N.D. Cal. Aug. 31, 2015) (“But
9 good cause ‘cannot be established simply by showing that the document is subject to a protective
10 order or by stating in general terms that the material is considered to be confidential’”) (quoting
11 *Bain v. AstraZeneca LP*, No. 09-cv-4147, 2011 WL 482767, at *1 (N.D. Cal. Feb. 7, 2011)).
12 Thus, many of the parties’ motions do not comply with Civil Local Rule 79-5(d)(1)(A). In
13 addition, in many instances the designating party for the materials did not comply with Civil Local
14 Rule 79-5(e)(1), because they did not file a declaration within four days of the motion. See Civ.
15 L.R. 79-5(e)(1). The Court finds that sealing is not warranted as to those documents. The parties
16 also appear to have omitted some exhibits, either as public or under seal versions, so the Court
17 could not make a determination about whether sealing is warranted in those circumstances.

18 Nevertheless, the Court finds that as to the remaining documents, the parties have narrowly
19 tailored their requested redactions to confidential and proprietary business, sales, or licensing
20 information, including the identities of the customers who subscribe to Defendant’s database and
21 Defendant’s financial performance and company strategy. The public release of these documents
22 could give non-party competitors an unfair advantage in the development or marketing of rival
23 products. See *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (ordering sealing where
24 documents could be used “‘as sources of business information that might harm a litigant’s
25 competitive standing’”) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)).
26 Thus, the Court finds that the parties have in those circumstances established either compelling
27 reasons or good cause to grant the motions to file under seal. See, e.g., *Linex Techs., Inc. v.*
28 *Hewlett-Packard Co.*, No. C 13-159 CW, 2014 WL 6901744 (N.D. Cal. Dec. 8, 2014); *Apple Inc.*

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v. Samsung Elecs. Co., Ltd., No. 11-CV-01846-LHK, 2012 WL 6115623 (N.D. Cal. Dec. 10, 2012).

Docket No. Public /(Sealed)	Document	Portion(s) Sought to be Sealed	Ruling
Dkt. No. 167 – GRANTED IN PART and DENIED IN PART			
Dkt. No. 168/ (167-5)	Defendant’s Motion for Summary Judgment	Excerpts	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 170/ (167-9)	Motion to Exclude the Purported Expert Report and Testimony of Norman Smith	Excerpts	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 169/ (167-7)	Motion to Exclude the Purported Testimony of Kevin Gorospe	Excerpts	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-8/ (167-12)	Exhibit H to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-9/ (167-13)	Exhibit I to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-11/ (167-14)	Exhibit K to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-12/ (167-15)	Exhibit L to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)

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Dkt. No. 171-13/ (167-16)	Exhibit M to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-14/ (167-17)	Exhibit N to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-15/ (167-18)	Exhibit O to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-16/ (167-19)	Exhibit P to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-17/ (167-20)	Exhibit Q to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-18/ (167-21)	Exhibit R to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-19/ (167-22)	Exhibit S to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)

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	Testimony		
Dkt. No. 171-20/ (167-23)	Exhibit T to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-21/ (167-24)	Exhibit U to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-22/ (167-25)	Exhibit V to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-23/ (167-26)	Exhibit W to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-26/ (167-27)	Exhibit Z to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-29/ (167-28)	Exhibit CC to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-39/ (167-29)	Exhibit MM to the Declaration of Ravi V. Sitwala in Support of Defendant's Motions for Summary Judgment and	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)

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	to Strike Expert Testimony		
Dkt. No. 171-41/ (167-29)	Exhibit OO to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 171-43/ (167-30)	Exhibit QQ to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Excerpts	GRANTED (Contains proprietary business information about Defendant’s subscribers. See Dkt. No. 167-2.)
Dkt. No. 171-44/ (167-31)	Exhibit RR to the Declaration of Ravi V. Sitwala in Support of Defendant’s Motions for Summary Judgment and to Strike Expert Testimony	Entire Document	GRANTED IN PART and DENIED IN PART (Pages 14 and 15 contain proprietary business information about Defendant’s subscribers. However, no supporting declaration filed as to the rest of the document. See Civ. L.R. 79-5(e)(1).)
Dkt. No. 179 – GRANTED IN PART and DENIED IN PART			
Dkt. No. 180/ (179-2)		Page 4:13–17 Page 5:2–21 Page 6:3–6, 12–25 Page 7:1–12, 17–28 Page 8:1–6 Page 12:11–13 Page 15:5–17, 20–23 Page 16:1–8, 1–28 Page 17:1, 4–7, 11–16 Page 20:2 Page 22:3–28 Page 23:1–9 Page 24:1–4, 14–28 Page 25:1–7 Page 26:1–26 Page 27:1–4 Page 30:15–17	GRANTED (Contains proprietary business information about Defendant’s subscribers. See Dkt. Nos. 184, 185.)

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		Page 33:8–9, 28 Page 34:1–23	
(179-3)	Exhibit 2 to the Declaration of Benjamin M. Mundel in Support of Plaintiff’s Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant’s customers. See Dkt. Nos. 184, 185.)
(179-4)	Exhibit 3 to the Declaration of Benjamin M. Mundel in Support of Plaintiff’s Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant’s customers. See Dkt. Nos. 184, 185.)
(179-5)	Exhibit 8 to the Declaration of Benjamin M. Mundel in Support of Plaintiff’s Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff’s contracts with third parties. See Dkt. No. 179-1.)
(179-6)	Exhibit 9 to the Declaration of Benjamin M. Mundel in Support of Plaintiff’s Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff’s contracts with third parties. See Dkt. No. 179-1.)
(179-7)	Exhibit 10 to the Declaration of Benjamin M. Mundel in Support of Plaintiff’s Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff’s contracts with third parties. See Dkt. No. 179-1.)
(179-8)	Exhibit 11 to the Declaration of Benjamin M. Mundel in Support of	Entire Document	GRANTED (Contains proprietary business information

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	Plaintiff's Opposition to the Motion for Summary Judgment		about Plaintiff's contracts with third parties. See Dkt. No. 179-1.)
N/A	Exhibit 12 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No public or sealed version of the document for review.)
(179-9)	Exhibit 13 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff's contracts with third parties. See Dkt. No. 179-1.)
(179-10)	Exhibit 16 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-11)	Exhibit 17 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's subscribers. See Dkt. Nos. 184, 191.)
(179-12)	Exhibit 18 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's financial performance and company strategy. See Dkt. No. 184.)
(179-13)	Exhibit 19 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)

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(179-14)	Exhibit 20 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-15)	Exhibit 21 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers and regarding customer contracts. See Dkt. Nos. 184, 185.)
(179-16)	Exhibit 22 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-17)	Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-18)	Exhibit 24 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-19)	Exhibit 25 to the	Entire Document	GRANTED IN

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	Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment		PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-20)	Exhibit 28 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-21)	Exhibit 29 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-22)	Exhibit 30 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-23)	Exhibit 32 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-24)	Exhibit 33 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information relating to the operations of Defendant. See Dkt. Nos. 90, 184, 185.)
(179-25)	Exhibit 34 to the Declaration of Benjamin	Entire Document	DENIED (No supporting

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	M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment		declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-26)	Exhibit 35 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
N/A	Exhibit 36 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No public or sealed version of the document for review.)
(179-27)	Exhibit 37 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-28)	Exhibit 39 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-29)	Exhibit 40 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt.

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			Nos. 184, 185.)
(179-30)	Exhibit 41 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-31)	Exhibit 42 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-32)	Exhibit 48 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-33)	Exhibit 49 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-34)	Exhibit 51 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-35)	Exhibit 52 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-36)	Exhibit 53 to the	Entire Document	GRANTED IN

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	Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment		PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-37)	Exhibit 54 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-38)	Exhibit 55 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-39)	Exhibit 56 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-40)	Exhibit 57 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains

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	Judgment		proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-41)	Exhibit 58 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-42)	Exhibit 59 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-43)	Exhibit 60 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information and survey responses with demographic information. See Dkt. No. 179-1.)
(179-44)	Exhibit 61 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-45)	Exhibit 63 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information

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			identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-46)	Exhibit 64 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-47)	Exhibit 65 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-48)	Exhibit 66 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-49)	Exhibit 67 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-50)	Exhibit 68 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-51)	Exhibit 69 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's

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			customers. See Dkt. Nos. 184, 185.)
(179-52)	Exhibit 72 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's contracts with third-party customers. See Dkt. Nos. 184, 185.)
(179-53)	Exhibit 73 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's contracts with third-party customers. See Dkt. Nos. 184, 185.)
(179-54)	Exhibit 74 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's contracts with third-party customers. See Dkt. Nos. 184, 185.)
(179-55)	Exhibit 75 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's contracts with third-party customers. See Dkt. Nos. 184, 185.)
(179-56)	Exhibit 78 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-57)	Exhibit 79 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-58)	Exhibit 80 to the	Entire Document	GRANTED IN

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	Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment		PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-59)	Exhibit 81 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-60)	Exhibit 82 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-61)	Exhibit 83 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-62)	Exhibit 84 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)

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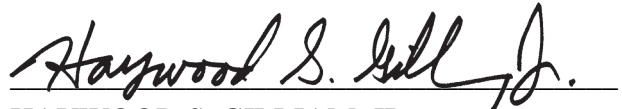
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(179-63)	Exhibit 85 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)

III. CONCLUSION

The Court **GRANTS IN PART** and **DENIES IN PART** the parties' administrative motions to file under seal. Pursuant to Civil Local Rule 79-5(f)(1), documents filed under seal as to which the administrative motions are granted will remain under seal. The Court **DIRECTS** the parties to file public versions of all documents for which the proposed sealing has been denied, as indicated in the chart above, within seven days from the date of this order.

IT IS SO ORDERED.

Dated: 6/1/2020


HAYWOOD S. GILLIAM, JR.
United States District Judge