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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 IRON WORKERS LOCAL 580 JOINT
8 FUNDS, et al.,

9 Plaintiffs,

10 v.

11 NVIDIA CORPORATION, et al.,

12 Defendants.

Case No. [18-cv-07669-HSG](#)

**ORDER GRANTING
ADMINISTRATIVE MOTIONS TO
SEAL**

Re: Dkt. Nos. 155, 162

13 The parties filed two administrative motions to file documents under seal in connection
14 with Defendants' motion to strike. *See* Dkt. Nos. 155, 162. For the reasons articulated below, the
15 Court **GRANTS** the motions.

16 **I. LEGAL STANDARD**

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

28 Records attached to nondispositive motions must meet the lower "good cause" standard of

1 Rule 26(c) of the Federal Rules of Civil Procedure, as such records “are often unrelated, or only
 2 tangentially related, to the underlying cause of action.” *Id.* at 1179–80 (quotation omitted). This
 3 requires a “particularized showing” that “specific prejudice or harm will result” if the information
 4 is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th
 5 Cir. 2002); *see also* Fed. R. Civ. P. 26(c). “Broad allegations of harm, unsubstantiated by specific
 6 examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966
 7 F.2d 470, 476 (9th Cir. 1992) (quotation omitted).

8 II. DISCUSSION

9 The parties seek to seal portions of documents which pertain to Defendants’ motion to
 10 strike allegations in Plaintiffs’ first amended complaint based on the account of a former employee
 11 referred to as FE-5. Because Plaintiffs cite these allegations for the element of scienter, *see e.g.*,
 12 Dkt. No. 149 (“FAC”) ¶ 222–224, the Court will apply the “compelling reasons” standard.
 13 Defendants seek to seal FE-5’s name from Exhibits A, B, D, and E that are attached to the
 14 McCormack Declaration in Support of Defendants’ motion to strike, and Plaintiffs seek to seal
 15 FE-5’s name and contact information from Exhibits A and B attached to the Deming Declaration
 16 in Opposition to Defendants’ motion to strike, as well as portions of the Deming Declaration.

17 Both parties indicate that FE-5 has expressed concern about damage to his professional
 18 reputation or fear of retaliation. *See* Dkt. No. 155 at 2; Dkt. No. 162 at 2. The Court finds that the
 19 personally identifying information of FE-5, a nonparty, is “not relevant to the disposition of this
 20 case” and “implicates important privacy concerns . . . that outweigh the public’s interest in
 21 disclosure.” *See Hunt v. Cont’l Cas. Co.*, No. 13-CV-05966-HSG, 2015 WL 5355398, at *2 (N.D.
 22 Cal. Sept. 14, 2015) (finding the names of nonparties “implicate[d] important privacy concerns”
 23 and those names were “not relevant to the disposition of th[e] case”); *see also In re Bofi Holding,*
 24 *Inc. Sec. Litig.*, 2016 WL 5390533, at *16 (S.D. Cal. Sept. 27, 2016) (finding “fear [of] retaliation
 25 and potential harassment” constitute “compelling reasons that outweigh the public’s interest in
 26 disclosure” of the identities of confidential witnesses). Further, the Court finds that the proposed
 27 redactions are “narrowly tailored” to seal only sealable material, as required by Civil Local Rule
 28 79–5.

