

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

)	Case No.: 11-MD-02250-LHK
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IN RE IPHONE APPLICATION LITIG.)	ORDER DENYING SEALING
)	MOTIONS
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Before the Court are numerous administrative motions to seal related to Plaintiffs’ Motion for Class Certification and the Motion for Summary Judgment filed by Defendant Apple Inc. (“Apple”). Specifically, the parties seek to seal documents and portions of documents related to: (1) Plaintiffs’ Motion for Class Certification and the exhibits attached in support thereof, see ECF Nos. 126, 189; Apple’s Opposition to Plaintiffs’ Motion for Class Certification, see ECF Nos. 145, 187; (3) Plaintiffs’ Reply in Support of Class Certification, see ECF Nos. 176, 190; and (4) Plaintiffs’ Opposition Apple’s Motion for Summary Judgment, see ECF Nos. 156, 191.¹

On March 7, 2013, after learning about Apple’s failure to timely comply with its discovery obligations, the Court denied Apple’s Motion for Summary Judgment and instructed Plaintiffs to

¹ On February 15, 2013, the Court ordered the parties to re-file their administrative motions to seal in compliance with the Court’s Civil Standing Order Regarding Motions to File Under Seal. See ECF No. 181.

1 withdraw their Motion for Class Certification, see ECF No. 209, which Plaintiffs did on March 8,
2 2013, see ECF No. 210.

3 Given Plaintiffs' withdrawal of their Motion for Class Certification, the Court DENIES as
4 moot the parties' administrative motions to file under seal documents and portions of documents
5 related to: (1) Plaintiffs' Motion for Class Certification and the exhibits attached in support thereof,
6 ECF Nos. 126, 189; (2) Apple's Opposition to Plaintiffs' Motion for Class Certification, ECF Nos.
7 145, 187; and (3) Plaintiffs' Reply in Support of Class Certification, ECF Nos. 176, 190. In
8 addition, the Court DENIES as moot the parties' request to seal Plaintiffs' Opposition to Apple's
9 Motion for Summary Judgment and certain exhibits and declarations filed in support thereto, ECF
10 Nos. 156, 191.

11 When Apple is permitted to file another motion for summary judgment in the future, any
12 motion to seal related to this motion must set forth "compelling reasons," rather than mere "good
13 cause," for filing such information under seal. See *Kamakana v. City and County of Honolulu*, 447
14 F.3d 1172, 1177 (9th Cir. 2006) (explaining that the "strong presumption of access to judicial
15 records applies fully to dispositive pleadings, including motions for summary judgment and related
16 attachments" because "the resolution of a dispute on the merits, whether by trial or summary
17 judgment, is at the heart of the interest in ensuring the "public's understanding of the judicial
18 process and of significant public events."); cf. Decl. Leslie Fithian on Behalf of Apple Inc. In Supp.
19 Admin. Mot. to File under Seal Portions of Pls.' Opp'n to Apple Inc.'s Mot. for Summ. J. Pursuant,
20 ECF No. 169 (setting forth only "good cause" to maintain certain documents under seal).

21 **IT IS SO ORDERED.**

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23 Dated: April 8, 2013

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25 LUCY H. KOH
26 United States District Judge
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