UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ORACLE AMERICA, INC., Plaintiff, v. INNOVATIVE TECHNOLOGY DISTRIBUTORS, INC., Defendant.	Case No.: 11-CV-01043-LHK Related Case No: 11-CV-02135-LHK ORDER RE: ADMINISTRATIVE MOTION TO FILE UNDER SEAL (re: dkt. #109)

On February 1, 2012, Plaintiff filed an Administrative Motion to File Under Seal Oracle's Renewed Motion to Compel Production of ITD's General Ledger ("Sealing Motion"). ECF No. 109. In the Motion, Plaintiff requests sealing of certain deposition testimony and documents produced by ITD designated "Confidential" by ITD under the Stipulated Protective Order in this action. *See* ECF No. 103. Plaintiff also seeks to seal portions of Oracle's Renewed Motion to Compel Production of ITD's General Ledger and portions of the Declaration of James Pampinella that reflect or discuss the contents of those designated ITD documents and testimony. ECF No. 109 at 2.

As noted in the Protective Order, parties must comply with Civil Local Rule 79-5 when filing with the Court materials that have been designated as Confidential or Attorneys' Eyes Only. *See* ECF No. 103 at 8. Pursuant to Local Rule 79-5(d), when a party moves to seal documents designated as sealable by another party, the designating party must file a supporting declaration

within 7 days, or the sealing motion will be denied. More than 7 days have passed, and Defendant has not filed a supporting declaration. If Defendant objects to the public filing of the documents identified in plaintiffs' Sealing Motion, it shall file a declaration stating the basis for asserting confidentiality of each exhibit Plaintiff seeks to seal. If no such declaration is filed by February 20, 2012, the Court will order the relevant documents to be publicly filed without sealing.

In the future, failure to comply with the local rules and to submit declarations in support of motions to seal will result in denial of sealing motions and public filing of documents without further notice.

IT IS SO ORDERED.

Dated: February 14, 2012

LUCY H. KOH
United States District Judge