

United States District Court
For the Northern District of California

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E-FILED on

ORDER DENYING REQUESTS FOR ORDERS PERMITTING THE FILING UNDER SEAL OF DEFENDANTS' MOTION TO STAY AND EXHIBITS THERETO AND DEFENDANTS' REPLY IN SUPPORT OF ITS MOTION TO STAY AND EXHIBITS THERETO—No. C-12-03451 RMW
ALG

1 Attorneys' Eyes Only" under the terms of the Protective Order. Sealing Mot. re: Motion to Stay 2,
2 Dkt. No. 71; Sealing Mot. re: Reply in Support of Mot. to Stay 2, Dkt. No. 84.

3 Under the local rule, however, "[a] stipulation, or a blanket protective order that allows a
4 party to designate documents as sealable, will not suffice to allow the filing of documents under
5 seal" for that reason alone. Civ. L.R. 79-5(a). Having reviewed the designated documents and
6 portions thereof, the court does not believe that they are in fact "privileged or protectable as a trade
7 secret or otherwise entitled to protection under the law." *Id.* Moreover, plaintiff has failed to file the
8 required statement under Civil Local Rule 79-5(d), which requires the designating party, within
9 seven days of the moving party's sealing request, to "file with the Court and serve a declaration
10 establishing that the designated information is sealable, and [the designating party] must lodge and
11 serve a narrowly tailored proposed sealing order, or must withdraw the designation of
12 confidentiality. *If the designated party does not file its responsive declaration as required by this*
13 *subsection, the document or proposed filing will be made part of the public record."* *Id.* 79-5(d)
14 (emphasis added).

15 In the event the plaintiff's failure to file the requisite responsive declaration was inadvertent,
16 the court gives plaintiff until ~~April 7, 2013~~ ^{May 8, 2013} to file a narrowly tailored proposed sealing order
17 indicating why the designated documents or portions thereof are in fact "privileged or protectable as
18 a trade secret or otherwise entitled to protection under the law." *Id.* 79-5(a). Otherwise, the
19 proposed filings will be made part of the public record.

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