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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**

6 LOS GATOS MERCANTILE, INC., et al.,

7 Plaintiffs,

8 v.

9 E.I. DUPONT DE NEMOURS AND  
10 COMPANY, et al.,

11 Defendants.

Case No. 13-cv-01180-BLF

**ORDER DENYING PLAINTIFFS'  
ADMINISTRATIVE MOTION TO SEAL  
CERTAIN PORTIONS OF MATERIALS  
SUBMITTED IN OPPOSITION TO THE  
MOTION TO DISMISS BROUGHT BY  
DEFENDANT NATIONAL TITANIUM  
DIOXIDE COMPANY LTD d/b/a  
CRISTAL**

[Re ECF 136]

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15 Plaintiffs have filed an administrative motion to seal certain portions of the materials they  
16 have submitted in opposition to the motion to dismiss brought by Defendant National Titanium  
17 Dioxide Company Ltd. d/b/a Cristal. Specifically, Plaintiffs move to seal in part their opposition  
18 brief and to seal entirely Exhibits 1 through 21 to the Second Declaration of Katherine Van Dyck.  
19 Plaintiffs state that they do not believe that those materials should be sealed. However, Plaintiffs  
20 bring the present motion because the materials contain information that was designated  
21 confidential by Defendants and produced subject to a protective order in the direct purchaser  
22 litigation in the District of Maryland.

23 Under Civil Local Rule 79-5(e)(1), Defendants were required to file a declaration within  
24 four days of Plaintiffs' filing of the administrative motion, establishing that the designated  
25 materials are sealable. Plaintiffs' administrative motion expressly articulated Defendants' burden  
26 of establishing that the designated materials are subject to sealing. Defendants did not file the  
27 required declaration (or any other response) within the time provided. Accordingly, the  
28 administrative motion to seal is DENIED.

1 Under Civil Local Rule 79-5(e)(2), Plaintiffs may file the unredacted Second Amended  
2 Complaint no earlier than four days, and no later than ten days, after the filing of this order. Under  
3 Civil Local Rule 79-5(f)(2), the materials in question will not be considered by the Court unless  
4 Plaintiffs file unredacted versions within seven days after the filing of this order.

5 **IT IS SO ORDERED.**

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7 Dated: January 6, 2015



BETH LABSON FREEMAN  
United States District Judge