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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MATTHEW ENTERPRISE, INC.,
Plaintiff,
v.
CHRYSLER GROUP LLC,
Defendant.

Case No. [13-cv-04236-BLF](#)

**ORDER GRANTING DEFENDANT’S
MOTION TO FILE INFORMATION
UNDER SEAL**

Before the Court is Defendant’s administrative motion to file under seal portions of its Partial Motion to Dismiss and Exhibit 1 thereto (“Motion to Seal,” ECF 55), pursuant to Civil Local Rule 79-5(d). Defendant seeks to seal portions of these two documents because they reference confidential information concerning an agreement between Defendant and a third-party. (*Id.* at 2) Plaintiff submits a declaration in support of the requested sealing (“Nagel Decl.”). (ECF 55-1) Because Plaintiff’s declaration offers a compelling reason to seal portions of the Partial Motion to Dismiss and Exhibit 1 to the Motion, the Court GRANTS Defendant’s Motion to Seal.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Two standards govern motions to seal documents, a “compelling reasons” standard, which applies to most judicial records, and a “good cause” standard, which applies to “private materials unearthed during discovery.” *Cf. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal portions of a motion to dismiss, and portions of any supporting documents, must meet the “compelling reasons” standard articulated in *Phillips*.

In this case, the declaration filed with Defendant’s Motion meets the compelling reasons

1 standard. Defendant cites facts to the Court regarding the reasons disclosure of this information
2 could “competitively disadvantage Chrysler in future negotiations with other dealers” if the terms
3 of the agreement in question were to be made public. (Nagel Decl., ECF 55-1 at ¶ 3)

4 Defendant has filed with the Court a public, redacted version of the Partial Motion to
5 Dismiss (ECF 55-3) as well as Exhibit 1 to the Partial Motion to Dismiss (ECF 55-5), consistent
6 with Civil Local Rule 79-5(d)(1)(C), and seeks only to seal the information related to the
7 confidential information in question. As such, Defendant’s request is appropriately narrowly
8 tailored.

9 For the foregoing reasons, the Court GRANTS Defendant’s Motion to Seal, and permits
10 Defendant to file under seal portions of its Partial Motion to Dismiss and Exhibit 1 thereto.

11 **IT IS SO ORDERED.**

12 Dated: September 2, 2014

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14 BETH LABSON FREEMAN
15 United States District Judge
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