

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATHALIE THUY VAN,  
Plaintiff,  
v.  
LANGUAGE LINE SERVICES, INC. et al.,  
Defendants.

Case No. 14-CV-03791-LHK  
**ORDER GRANTING ADMINISTRATIVE  
MOTION TO SEAL AND FOR  
PLAINTIFF TO RE-FILE EXHIBITS**

Before the Court is Defendants’ administrative motion to seal portions of various exhibits Plaintiff—who is pro se—attempted to file in connection with Plaintiff’s since-denied motion for sanctions. ECF No. 117; see ECF No. 106 (denying Plaintiff’s motion for sanctions). “Historically, courts have recognized 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) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Accordingly, when considering a sealing request, “a strong presumption in favor of access is the starting point.” *Id.* (internal quotation marks omitted).

Records attached to nondispositive motions, such as Plaintiff’s motion for sanctions, are

1 not subject to the strong presumption of access. See *Kamakana*, 447 F.3d at 1179. Because the  
2 documents attached to nondispositive motions “are often unrelated, or only tangentially related, to  
3 the underlying cause of action,” parties moving to seal must meet the lower “good cause” standard  
4 of Rule 26(c) of the Federal Rules of Civil Procedure. *Id.* at 1179-80 (internal quotation marks  
5 omitted). The “good cause” standard requires a “particularized showing” that “specific prejudice  
6 or harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors*  
7 *Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal quotation marks omitted); see *Fed. R. Civ.*  
8 *P.* 26(c). “Broad allegations of harm, unsubstantiated by specific examples of articulated  
9 reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir.  
10 1992) (internal quotation marks omitted).

11 In addition, parties moving to seal documents must comply with the procedures established  
12 by Civil Local Rule 79-5. Pursuant to that rule, a sealing order is appropriate only upon a request  
13 that establishes the document is “sealable,” or “privileged or protectable as a trade secret or  
14 otherwise entitled to protection under the law.” *Civ. L. R.* 79-5(b). “The request must be  
15 narrowly tailored to seek sealing only of sealable material, and must conform with *Civil L.R.* 79-  
16 5(d).” *Id.* *Civil Local Rule 79-5(d)*, moreover, requires the submitting party to attach a “proposed  
17 order that is narrowly tailored to seal only the sealable material” and that “lists in table format  
18 each document or portion thereof that is sought to be sealed,” as well as an “unredacted version of  
19 the document” that “indicate[s], by highlighting or other clear method, the portions of the  
20 document that have been omitted from the redacted version.” *Id.* *R.* 79-5(d)(1). “Within 4 days of  
21 the filing of the Administrative Motion to File Under Seal, the Designating Party must file a  
22 declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material  
23 is sealable.” *Id.* *R.* 79-5(e)(1).

24 With the foregoing in mind, the Court rules on the instant motion as follows:  
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<u>Motion</u>	<u>ECF No.</u>	<u>Document</u>	<u>Ruling</u>
117	119	Ex. C to Plaintiff's Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	119-1, 119-2	Ex. D to Plaintiff's Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	119-3, 119-4	Ex. E to Plaintiff's Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	120	Ex. F to Plaintiff's Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	120-1	Ex. P to Plaintiff's Supplemental Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	120-2	Ex. Q to Plaintiff's Supplemental Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	120-3	Ex. R to Plaintiff's Supplemental Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.
117	120-4	Ex. S to Plaintiff's Supplemental Declaration in Support of Motion for Sanctions	GRANTED as to proposed redactions.

Within seven (7) days of the date of this Order, Plaintiff shall, consistent with the above rulings, re-file her declaration and supplemental declaration supporting her motion for sanctions along with the accompanying exhibits. Specifically, Plaintiff is to file exhibits A through T, with exhibits C, D, E, F, P, Q, R, and S redacted in the manner ordered above. See ECF Nos. 119 (Ex. C); 119-1, 119-2 (Ex. D); 119-3, 119-4 (Ex. E); 120 (Ex. F); 120-1 (Ex. P); 120-2 (Ex. Q); 120-3 (Ex. R); 120-4 (Ex. S). Plaintiff should tab each exhibit with its corresponding letter.

In light of the Court's ruling, the Court denies as moot Plaintiff's prior requests to file the above exhibits. See ECF Nos. 127, 128, 129.

**IT IS SO ORDERED.**

Dated: September 16, 2015

  
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 LUCY H. KOH  
 United States District Judge