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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE ANIMATION WORKERS
ANTITRUST LITIGATION

Case No.:14-cv-04062-LHK

ORDER RE SEALING MOTION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Re: Dkt. No. 79

Before the Court is the administrative motion to seal brought by Defendants Blue Sky Studios, Inc., Sony Pictures, Inc., and Sony Pictures Imageworks, Inc., (collectively, “Defendants”) ECF No. 79. Defendants seek to redact certain exhibits filed in connection with Defendants’ motion to dismiss, ECF No. 75.

“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).

1 Parties seeking to seal judicial records relating to dispositive motions bear the burden of
2 overcoming the presumption with “compelling reasons supported by specific factual findings” that
3 outweigh the general history of access and the public policies favoring disclosure. *Kamakana*, 447
4 F.3d at 1178–79. Compelling reasons justifying the sealing of court records generally exist “when
5 such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to
6 gratify private spite, promote public scandal, circulate libelous statements, or release trade secret.”
7 *Id.* at 1179 (quoting *Nixon*, 435 U.S. at 598). However, “[t]he mere fact that the production of
8 records may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will
9 not, without more, compel the court to seal its records.” *Id.* Dispositive motions include “motions
10 for summary judgment.” *Id.*

11 Records attached to nondispositive motions are not subject to the strong presumption of
12 access. *See Kamakana*, 447 F.3d at 1179. Because the documents attached to nondispositive
13 motions “are often unrelated, or only tangentially related, to the underlying cause of action,”
14 parties moving to seal must meet the lower “good cause” standard of Rule 26(c) of the Federal
15 Rules of Civil Procedure. *Id.* at 1179–80 (internal quotation marks omitted). The “good cause”
16 standard requires a “particularized showing” that “specific prejudice or harm will result” if the
17 information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,
18 1210–11 (9th Cir. 2002) (internal quotation marks omitted); *see Fed. R. Civ. P. 26(c)*. “Broad
19 allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not
20 suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

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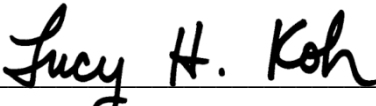
1 is narrowly tailored to seal only the sealable material” and that “lists in table format each
 2 document or portion thereof that is sought to be sealed,” as well as an “unredacted version of the
 3 document” that “indicate[s], by highlighting or other clear method, the portions of the document
 4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

8 Motions to dismiss are typically treated as dispositive. *In re PPA Prods. Liability Litig.*,
 9 460 F.3d 1217, 1231 (9th Cir. 2006). Therefore, the Court applies the “compelling reasons”
 10 standard to Defendants’ requests to redact certain information in documents filed in connection
 11 with Defendants’ motion to dismiss. The Court rules on the instant motion as follows:

<u>Exhibit</u>	<u>Proposed Redactions to be Made</u>	<u>Ruling</u>
Exhibit A (April 22, 2005, email from Meledandri)	Redaction of name of potential employee	GRANTED as to proposed redactions.
Exhibit B (August 11, 2004 email from McAdams)	Redaction of names of potential employees and employees that referred the potential employees	GRANTED as to proposed redactions.
Exhibit C (September 29, 2005 email from McAdams)	Redaction of names and contact information for potential employee and the potential employee’s references	GRANTED as to proposed redactions.
Exhibit D (“Competitors List”)	Redaction of phone numbers for employees of Defendants and of names and contact information for employees of third parties	GRANTED as to proposed redactions.
Exhibit E (August 2005 emails from McAdams)	Redaction of names of potential employees, and cell phone number of Pixar employee	GRANTED as to proposed reactions.
Exhibit F (December 2007 emails from Catmull)	Redaction of name of third party	GRANTED as to proposed reactions.

24 **IT IS SO ORDERED.**

25 Dated: April 3, 2015

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 LUCY H. KOH
 United States District Judge