

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ROBERT HEATH, ET AL.,
Plaintiffs,
v.
GOOGLE INC.,
Defendant.

Case No. [15-cv-01824-BLF](#)

**ORDER RE STIPULATION
REGARDING REDACTIONS TO
PLAINTIFFS’ MOTION FOR LEAVE
TO FILE SAC AND PROPOSED SAC**

The parties dispute which portions of Plaintiffs’ motion for leave to file a Second Amended Complaint (“SAC”) and proposed SAC should be sealed. On August 14, 2017, the Court issued a reasoned order on the sealing dispute and ordered the parties to “meet and confer and file a stipulation with a more narrowly redacted proposed SAC in light of the Court’s reasoning.” ECF 198. On August 24, 2017, the parties stipulated to the redaction of many contested provisions, but were unable to agree as to whether the Court’s Order requires unsealing the remaining provisions. ECF 211.

The Court has reviewed the parties’ stipulation and the unredacted version of Plaintiffs’ proposed SAC. ECF 210, 210-1. The Court APPROVES the parties’ stipulation as to the portions of the documents to be sealed or not sealed, in accordance with the following chart from the parties:

Document and Line(s)	Parties’ Agreement as to the Excerpts
SAC 2:20 Pls.’ Mot. to Amend 8:14-15	Unredacted
SAC 8:27	Unredacted
SAC 9:1-3 Pls.’ Mot. to Amend 8:17	First sentence of the excerpt to be redacted; second sentence of the excerpt to be unredacted
SAC 9:6-8	First clause of the sentence to be redacted; second clause of the sentence to be unredacted
SAC 9:8-11	Unredacted with the exception of the last 5 words of the sentence
SAC 9:20-10:1	Unredacted, beginning with, “When older....”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pls.' Mot. to Amend 8:20	
SAC 10:2-5	First clause of the excerpt to be redacted; remainder to be unredacted
SAC 10:8	First four words of the line to be unredacted
SAC 10:8-19 Pls.' Mot. to Amend 8:21-22	First excerpt to be redacted; remainder to be unredacted
SAC 10:22-23	Unredacted

In line with the Court's reasoning in its prior Order on this sealing dispute, the Court rules on the remaining portions of Plaintiffs' documents as follows:

Google has not established compelling reasons to seal the portions of Plaintiffs' SAC at 9:3-6 or Plaintiffs' motion to amend at 8:18-19. These portions shall be *unredacted* in Plaintiffs' public filing of these documents. These comments do not reflect Google's sensitive interview questions and techniques. Although Google is correct that the disputed excerpt is not "only" the interviewer's impression of a specific candidate, it is an interviewer's impression of how he or she would have fared as a candidate, which is not competitively sensitive information.

However, Google has articulated compelling reasons to seal Plaintiffs' proposed SAC at 9:14-20 and the corresponding portion of Plaintiffs' motion to amend at 8:19. The request is narrowly tailored to sealable material, and as such these portions shall be *redacted* in Plaintiffs' public filing. This information reflects the type of interview questions Google asks applicants. As the Court previously held, "[d]isclosure of interview questions could harm Google's efforts to vet and hire employees by providing job applicants and competitors access to the 'test questions' in advance of the exam." ECF 198.

Pursuant to this Order, the Court's August 14, 2017 Order, and the parties' stipulation, the parties shall submit revised filings of Plaintiffs' motion to amend and proposed SAC reflecting the appropriate redactions by **September 1, 2017**.

IT IS SO ORDERED.

Dated: August 25, 2017


BETH LABSON FREEMAN
United States District Judge