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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION
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8 JOHN BARKER,
9 Plaintiff,

10 v.

11 INSIGHT GLOBAL, LLC, et al.,
12 Defendants.

Case No. [16-cv-07186-BLF](#) (VKD)

SEALING ORDER

Re: Dkt. Nos. 240, 246

13 Insight Global asks the Court to seal excerpts from the deposition testimony of its
14 corporate representative, David Lowance, filed provisionally under seal in connection with the
15 parties' discovery dispute. See Dkt. Nos. 240, 241. Insight Global relies in part on the assertion
16 that it has designated the testimony "confidential" or "confidential—attorneys' eyes only" under
17 the protective order (Dkt. No. 59), and those designations have not been challenged by Mr. Barker
18 or Beacon Hill. Dkt. No. 246, ¶¶ 5-6. However, as the protective order itself makes clear, parties
19 may not rely on their designations under the order as a basis to file material. Rather, a party must
20 comply with the requirements of Civil Local Rule 79-5. Dkt. No. 59 at 3-4.

21 There is a strong presumption in favor of access by the public to judicial records and
22 documents accompanying dispositive motions that can be overcome only by a showing of
23 "compelling reasons supported by specific factual findings." *Kamakana v. City & Cty. of*
24 *Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotation marks and citation omitted).
25 However, the presumption does not apply equally to a motion addressing matters that are only
26 "tangentially related to the merits of a case," *Center for Auto Safety v. Chrysler Group, LLC*, 809
27 F.3d 1092, 1101 (9th Cir.), cert. denied sub nom. *FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct.
28 38 (2016). A party seeking to seal documents or information in connection with such a motion

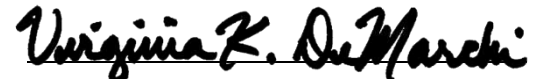
1 must meet the lower “good cause” standard of Fed. R. Civ. P. 26(c). *Id.* at 1098-99; *Kamakana*,
2 447 F.3d at 1179-80.

3 Insight Global asks the Court to seal excerpts of the deposition testimony of a corporate
4 representative to which the parties referred in briefing whether Insight Global had complied its
5 obligations under Rule 30(b)(6) of the Federal Rules of Civil Procedure. See Dkt. No. 230. The
6 underlying briefing does not concern the merits of the parties’ claims or defenses, but rather
7 whether Insight Global should be required to provide further testimony on the noticed topics. This
8 briefing is only tangentially related to the merits of the case. The Court therefore applies the
9 “good cause” standard of Rule 26(c).

10 Insight Global has shown good cause to seal the materials identified at paragraph 7 of the
11 Marquardt declaration for the reasons described therein. Dkt. No. 246. Accordingly, the Court
12 finds that the deposition filed under seal at Dkt. No. 241 may remain under seal.

13 **IT IS SO ORDERED.**

14 Dated: May 6, 2019

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17 VIRGINIA K. DEMARCHI
18 United States Magistrate Judge
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