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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6
7 NICKY LAATZ, et al.,
8 Plaintiffs,

9 v.

10 ZAZZLE, INC., et al.,
11 Defendants.

Case No. 5:22-cv-04844-BLF

**ORDER GRANTING PLAINTIFF'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER
DEFENDANTS' MATERIALS SHOULD
BE SEALED**

[Re: ECF 319]

12
13 Before the Court is Plaintiff Nicky Laatz's ("Plaintiff" or "Laatz") Administrative Motion
14 to Consider Whether Defendants' Materials Should be Sealed, filed in connection with her Motion
15 for Relief From Nondispositive Pretrial Order of Magistrate Judge (Dkt. No. 311). ECF 319.
16 Defendants filed a statement in support of sealing the materials identified in Laatz's motion. ECF
17 323. Plaintiff did not submit any response to Defendants' statement in support of sealing.

18 For the reasons described below, Plaintiff's Administrative Motion to Consider Whether
19 Defendants' Materials Should be Sealed, ECF No. 319, is GRANTED.

20 **I. LEGAL STANDARD**

21 "Historically, courts have recognized a 'general right to inspect and copy public records and
22 documents, including judicial records and documents.'" *Kamakana v. City & Cty. of Honolulu*, 447
23 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 &
24 n.7 (1978)). Accordingly, when considering a sealing request, "a 'strong presumption in favor of
25 access' is the starting point." *Id.* (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,
26 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to motions that are "more
27 than tangentially related to the underlying cause of action" bear the burden of overcoming the
28 presumption with "compelling reasons" that outweigh the general history of access and the public

1 policies favoring disclosure. *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1100–01 (9th
2 Cir. 2016); *Kamakana*, 447 F.3d at 1178–79.

3 Records attached to motions that are “not related, or only tangentially related, to the merits
4 of a case,” however, are not subject to the strong presumption of access. *Ctr. for Auto Safety*, 809
5 F.3d at 1099; *see also Kamakana*, 447 F.3d at 1179 (“[T]he public has less of a need for access to
6 court records attached only to non-dispositive motions because those documents are often unrelated,
7 or only tangentially related, to the underlying cause of action.” (internal quotations omitted)).
8 Parties moving to seal the documents attached to such motions must meet the lower “good cause”
9 standard of Rule 26(c). *Kamakana*, 447 F.3d at 1180. This standard requires a “particularized
10 showing,” *id.*, that “specific prejudice or harm will result” if the information is disclosed. *Phillips*
11 *ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002); *see Fed. R.*
12 *Civ. P.* 26(c). “Broad allegations of harm, unsubstantiated by specific examples of articulated
13 reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

14 In addition, in this district, all parties requesting sealing must comply with Civil Local Rule
15 79-5. That rule requires, inter alia, the moving party to provide “the reasons for keeping a document
16 under seal, including an explanation of: (i) the legitimate private or public interests that warrant
17 sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative
18 to sealing is not sufficient.” Civ. L.R. 79-5(c)(1). Further, Civil Local Rule 79-5 requires the
19 moving party to provide “evidentiary support from declarations where necessary.” Civ. L.R. 79-
20 5(c)(2). And the proposed order must be “narrowly tailored to seal only the sealable material.” Civ.
21 L.R. 79-5(c)(3).

22 Further, when a party seeks to seal a document because it has been designated as confidential
23 by another party, the filing party must file an Administrative Motion to Consider Whether Another
24 Party’s Material Should be Sealed. Civ. L.R. 79-5(f). In that case, the filing party need not satisfy
25 the requirements of subsection (c)(1). Civ. L.R. 79-5(f)(1). Instead, the party who designated the
26 material as confidential must, within seven days of the motion’s filing, file a statement and/or
27 declaration that meets the requirements of subsection (c)(1). Civ. L.R. 79-5(f)(3). A designating
28 party’s failure to file a statement or declaration may result in the unsealing of the provisionally

1 sealed document without further notice to the designating party. *Id.* Any party can file a response
2 to that declaration within four days. Civ. L.R. 79-5(f)(4).

3 **II. DISCUSSION**

4 Because the motion to seal pertains to a motion for relief from a nondispositive pretrial order
5 of a magistrate judge, which is only tangentially related to the merits of this action, the Court will
6 apply the “good cause” standard. *See, e.g., Jones v. PGA Tour, Inc.*, No. 22-CV-04486, 2023 WL
7 5520771, at *6 (N.D. Cal. Aug. 24, 2023) (noting that the good cause standard applies to discovery-
8 related motions); *Malig as Tr. for Malig Fam. Tr. v. Lyft, Inc.*, No. 19-CV-02690, 2022 WL
9 1143360, at *1 (N.D. Cal. Mar. 31, 2022) (applying the good cause standard to documents related
10 to a motion for relief from a magistrate judge’s discovery order); *Wisk Aero LLC v. Archer Aviation*
11 *Inc.*, No. 21-CV-02450, 2022 WL 6251047, at *2 (N.D. Cal. Sept. 8, 2022) (applying the good cause
12 standard to a sealing motion pertaining to a discovery letter brief).

13 Defendant argues that the information designated by Zazzle should be kept under seal as
14 confidential and the information at issue was the subject matter of an earlier motion to seal. *See* ECF
15 323 at 1 (citing ECF 307). The Court agrees with Defendant that the designated information
16 concerns subject matter that the Court previously granted sealing. *See* ECF 348. Thus, the Court
17 GRANTS the Parties’ sealing request for the reasons provided in its prior order.

18 **III. ORDER**

19 For the foregoing reasons, the Court ORDERS redactions as outlined in the below chart.
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ECF No.	Document	Portion(s) to Seal	Ruling
320/(319-2)	Plaintiff’s Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge	Highlighted portions at 1:27-2:1	GRANTED as previously discussed in the Court’s Order Granting In Part and Denying In Part Plaintiff’s Administrative Motion to Consider Whether Defendants’ Materials Should Be Sealed and Granting Defendants’ Administrative Motion to File Under Seal. ECF 348.

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IT IS SO ORDERED.

Dated: January 27, 2025



BETH LABSON FREEMAN
United States District Judge