

"compelling reasons" that outweigh the general history of access and the public policies favoring disclosure. <u>Id.</u> at 1178-79.

Records attached to non-dispositive motions, however, are not subject to the 3 strong presumption of access. Because the documents attached to non-dispositive 4 motions "are often unrelated, or only tangentially related, to the underlying cause of 5 action," parties moving to seal must meet the lower "good cause" standard of Rule 6 26(c). Id. at 1179. A blanket protective order is not itself sufficient to show good cause 7 for sealing particular documents. See Foltz v. State Farm Mutual Auto. Ins. Co., 331 8 9 F.3d 1122, 1133 (9th Cir. 2003) ("[A] party seeking the protection of the court via a blanket protective order typically does not make a 'good cause' showing required by 10 Rule 26(c) with respect to any particular document."); see also Kamakana, 447 F.3d at 11 1183; Beckman Indus., Inc., 966 F.2d at 475-76. 12

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## DISCUSSION

The Court has considered each of the documents the parties have designated
for sealing and, as articulated in the table below, determined which documents may
remain under seal or redacted and which documents must be unsealed.

Dk	t. Request	Result
No		
122	Exhibits to Declaration	Plaintiffs' request on behalf of Defendants to
	of Manuel J. Velez in	seal Exhibits 3-6, 8-10, 21, and 23, containing
	support of Plaintiffs'	records of Implant Direct internal
	Motion for Spoliation	communications and excerpted deposition
	and Discovery Abuses	testimony, is GRANTED as potentially
	Sanctions	prejudicial business information consistent
	//	with the protective order entered by the Court
	//	on April 28, 2011.
	//	//
	//	//

1257Exhibit to Declaration of Christopher J. Drugger in seal Exhibit 1, containing one page of the expert report of John B. Brunski, is3Opposition to Plaintiffs' Opposition to Strike Invalidity Contentions and Authorities in Support of Defendants' expert report of April 28, 2011.7281Memorandum of Points Defendants' request to seal Defendants' and Authorities in Support of Defendants' request to seal Defendants' and Authorities in Memorandum of Points and Authorities and Support of Defendants' Exhibits 2, 3, 5, 6, and 7, containing expert report excerpts, deposition excerpts, and Amend the Answer and Plaintiffs' interrogatory response excerpts, is Exhibits to the Declaration of Consistent with the protective order entered by Christopher Drugger the Court on April 28, 2011.13Declaration of Consistent with the protective order entered by Christopher Drugger the Court on April 28, 2011.14Declaration of Consistent with the protective order entered by Christopher Drugger the Court on April 28, 2011.15292Exhibits to the Declaration of Manuel J. Containing Plaintiffs' responses to Defendants' velez in support of Defendants' Motion to business or confidential proprietary Clarify or Amend information consistent with the protective Answer order entered by the Court on April 28, 2011.12302Reply Memorandum of Defendants' Exhibits 2-4, containing representative copies Motion to Clarify or Answer, and GRANTED as proprietary information Clarify or Amend information consistent with the protective order entered by Exhibits 2-4, containing representative copies Motion to Clarify or Amend the Answer, and GRANTED as prop				
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<ul> <li>Support of Defendants'</li> <li>Support of Defendants'</li> <li>Exhibits 2-4, containing representative copies</li> <li>Motion to Clarify or</li> <li>Amend the Answer, and</li> <li>GRANTED as proprietary information</li> <li>Exhibits to the Decl. of</li> <li>Clarify on the Decl. of</li> <li>Clarify on the Decl. of</li> </ul>	22	302	Reply Memorandum of	Defendants' request to seal Defendants'
<ul> <li>Motion to Clarify or</li> <li>Amend the Answer, and</li> <li>Exhibits to the Decl. of</li> <li>Clarify Decl. Of<!--</td--><td>23</td><td></td><td>Points and Authorities in</td><td>Memorandum of Points and Authorities and</td></li></ul>	23		Points and Authorities in	Memorandum of Points and Authorities and
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	26		Amend the Answer, and	GRANTED as proprietary information
28Christopher Druggerthe Court on April 28, 2011.	27		Exhibits to the Decl. of	consistent with the protective order entered by
	28		Christopher Drugger	the Court on April 28, 2011.

1	307	Memorandum of Points	Defendants' request to seal Defendants'
2		and Authorities in	Memorandum of Points and Authorities and
3		support of Defendants'	Exhibits 13-14, containing representative
4		Motion for	copies of Plaintiffs' distribution agreements, is
5		Reconsideration, the	GRANTED as proprietary information
6		Declaration of Dr.	consistent with the protective order entered by
7		Niznick, and Exhibits to	the Court on April 28, 2011.
8		the Declaration of	
9		Christopher Drugger	Defendants further lodged the Declaration of
10			Dr. Niznick and included Exhibit under seal as
11			Exhibit 15 to the Declaration of Christopher
12			Drugger. To the extent that Dr. Niznick's
13			Declaration was not included in Defendants'
14			Motion to Seal, (Dkt. No. 307), the Court
15			declines to seal the Declaration and exhibit.
16	313	Memorandum of Points	Plaintiffs' request to seal Plaintiffs'
17		and Authorities in	Memorandum of Points and Authorities and
18		support of Plaintiffs'	the declaration of Steve Schiess, Zest's
19		Opposition to	President and CEO, is GRANTED as
20		Defendants' Motion for	containing potentially prejudicial business or
21		Reconsideration and	confidential proprietary information consistent
22		Declaration of Steve	with the protective order entered by the Court
23		Schiess	on April 28, 2011.
24	326	Defendants' Objections	Defendants' request is DENIED WITHOUT
25		to Magistrate Judge	PREJUDICE to refilling a narrowly-tailored
26		Recommendation for	request. Defendants seek to seal thirty one
27		Adverse Jury Instruction	pages of objections, two declarations, and
28		and related Exhibits to	twenty two exhibits with no explanation as to

1						
2	the Declaration of why good cause exists to seal any of the					
	Christopher Drugger documents.					
	CONCLUSION					
	For the foregoing reasons, IT IS HEREBY ORDERED:					
	1. The Motions to File Documents Under Seal (Dkt. Nos. 122, 257, 281, 292,					
	302, 313) are GRANTED. The documents now lodged at Dkt. Nos. 123, 258,					
	283, 290, 303, 314, and related attachments shall be FILED UNDER					
	SEAL.					
	2. The incomplete Motion to File Documents Under Seal (Dkt. No. 307) is					
	GRANTED. The documents now lodged at Dkt. Nos. 308, 308-1, and 308-2					
	shall be FILED UNDER SEAL. Defendants are GRANTED seven (7) days					
	from the date this Order is electronically docketed to file a motion to seal the					
	documents now lodged at Dkt. No. 308-3 and 308-4. The documents may					
	remain lodged, pending Defendants' renewed motion to seal.					
	3. Defendants' Motion to File Documents Under Seal (Dkt. No. 326) is					
	DENIED WITHOUT PREJUDICE. Defendants are GRANTED seven (7)					
	days from the date this Order is electronically docketed to re-file a motion to					
	seal the documents lodged at Dkt. Nos. 327 and 327-1 through 327-25. If					
	Defendants fail to file an amended motion to seal within the time prescribed,					
	the documents shall be stricken from the docket. The documents now lodged					
	at Dkt. Nos. 327 and 327-1 through 327-25 may remain lodged, pending					
	Defendants' renewed motion to seal.					
	4. The parties are directed to file public, redacted versions of all sealed					
	documents by Friday, February 21, 2014.					
	IT IS SO ORDERED.					
	DATED: January 14, 2014					
	HON. GONZALO P. CURIEL United States District Judge					
	- 5 - 10ev0541 GPC(WVG)					