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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re FERRERO LITIGATION

CASE NO. 11-CV-205 H (CAB)

**ORDER GRANTING *EX PARTE*
APPLICATION TO FILE
UNDER SEAL**

On August 15, 2011, Plaintiffs filed an *ex parte* application for an order allowing them to file documents under seal. (Doc. No. 57.) Plaintiffs seek to seal the unredacted memorandum in support of Plaintiffs' motion for class certification, Exhibits 1-4, 10, 13-17, 20, 22, 24-26, and 28-34 to the Declaration of Gregory S. Weston, as well as the unredacted *ex parte* application to seal documents.

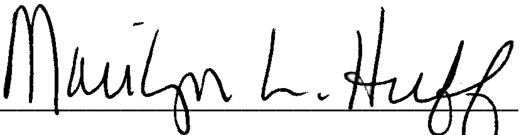
"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" Kamakana v. City & Cnty of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Commc'ns., Inc., 435 U.S. 589, 597 & n.7 (1978)). Except for documents that are traditionally kept secret, there is "a strong presumption in favor of access to court records." Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003); see also Kamakana, 447 F.3d at 1178-79. "A party seeking to seal a judicial record then bears the burden of overcoming this strong presumption by meeting the compelling reasons standard. That is, the party must articulate

1 compelling reasons supported by specific factual findings, ... that outweigh the general history
2 of access and the public policies favoring disclosure, such as the public interest in
3 understanding the judicial process.” Kamakana, 447 F.3d at 1178-79 (citations and quotation
4 marks omitted). The presumed right to access to court proceedings and documents can be
5 overcome “only by an overriding right or interest ‘based on findings that closure is essential
6 to preserve higher values and is narrowly tailored to serve that interest.’” Oregonian Publ’g
7 Co. v. United States Dist. Court, 920 F.2d 1462, 1465 (9th Cir.1990) (quoting Press-Enterprise
8 Co. v. Superior Court, 446 U.S. 501, 510 (1985)).

9 The Court concludes that good cause exists to seal the requested documents.
10 Accordingly, the Court GRANTS Plaintiffs’ *ex parte* application to file documents in support
11 of their motion for class certification under seal.

12 **IT IS SO ORDERED.**

13 DATED: August 17, 2011

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15 MARILYN L. HUFF, District Judge
16 UNITED STATES DISTRICT COURT
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