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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IPS GROUP, INC.,  
  
Plaintiff,  
  
v.  
  
DUNCAN SOLUTIONS, INC. and  
DUNCAN PARKING TECHNOLOGIES,  
INC.,  
  
Defendants.

Case No.: 15-cv-1526-CAB (MDD)  
  
**ORDER ON DEFENDANTS’  
MOTION TO FILE DOCUMENTS  
UNDER SEAL  
[Doc. No. 113]**

This matter is before the Court on Defendants Duncan Solutions, Inc. (“DSI”) and Duncan Parking Technologies, Inc’s (collectively “Defendants”) Motion for Leave to File Documents Under Seal. [Doc. No. 113.] Defendants seek to file Exhibits 3, 6, 7, and 8, filed as exhibits to Mr. Kalb’s declaration in support of Defendants’ Opposition to IPS Group, Inc.’s Motion to Strike Statement of Balu Subramanya or Alternatively for Relief Under Rule 56(b). Defendants argue: (1) the documents should be sealed because they have been designated by either DSI or Plaintiff as confidential and (2) the documents constitute a protectable trade secret because they contain sensitive business information.

1 However, it is not obvious from the contents of Exhibits 6, 7 and 8<sup>1</sup> that “compelling  
2 reasons” justify sealing the documents notwithstanding the “strong presumption” in favor  
3 of public access. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th  
4 Cir. 2006) (“A party seeking to seal a judicial record then bears the burden of overcoming  
5 this strong presumption by meeting the ‘compelling reasons’ standard.”).

6 In light of the foregoing, the Court is disinclined to allow Exhibits 6, 7 and 8 sealed-  
7 lodged at Docket Number 114 to be filed under seal. Accordingly, it is hereby ORDERED  
8 as followed:

- 9 1. The motion to file under seal Exhibit 3 is **GRANTED**;
- 10 2. The motion to file under seal is **GRANTED temporarily** as to Exhibits 6, 7 and  
11 8;
- 12 3. On or before June 8, 2017, the party<sup>2</sup> who designated Exhibits 6, 7 and 8  
13 confidential shall file either (a) a memorandum not to exceed ten pages  
14 explaining why the documents should be filed under seal, with citation to legal  
15 authority, if any; or (b) a notice that the confidential designation is withdrawn  
16 and the document(s) can be filed publicly;
- 17 4. Upon receipt of the response to this Order, the Court will determine whether to  
18 order that the documents be sealed permanently, or publicly filed.

19 It is **SO ORDERED**.

20 Dated: June 1, 2017



21  
22 Hon. Cathy Ann Bencivengo  
23 United States District Judge

24  
25  
26 <sup>1</sup> Exhibits 7 and 8 relate to agreements with City Councils that the Court presumes are publicly  
27 available.

28 <sup>2</sup> The Court suspects this was Plaintiff as the motion states these documents “contain sensitive technical  
information that is regarded as proprietary to IPS and [are] marked as ‘Confidential – For Counsel  
Only,’” but the motion itself and accompanying declaration is silent as to who designated these  
documents as confidential.