

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
9

10 YOUNGEVITY INTERNATIONAL,  
11 CORP., et al.,

Plaintiff,

12 v.

13 TODD SMITH, et al.,

14 Defendant.  
15

Case No.: 16-cv-704 BTM (JLB)

**ORDER DENYING DEFENDANTS’  
APPLICATION TO FILE UNDER  
SEAL**

[ECF No. 327]

16  
17 Before the Court is Defendants’ *Ex Parte* Application to File Under Seal. (ECF No.  
18 327.) Defendants seek to file the entirety of their Motion for Sanctions and for Order to  
19 Show Cause Re Violations of Protective Order and all exhibits, totaling 88 pages, under  
20 seal. (*Id.*) Defendants seek to file under seal because (i) the alleged violations relate to  
21 information the parties designated as “Confidential – For Counsel Only” under the  
22 stipulated protective order, and (ii) the motions and exhibits include discussion of  
23 “confidential sales figures from Wakaya, as well as competitively useful information about  
24 individual distributors.” (*Id.* at 3.) Defendants filed the proposed motion and exhibits  
25 under seal in unredacted form. (ECF No. 328.)


26 Defendants fail to make a particularized showing of good cause to file the entirety  
27 of its motion and all exhibits under seal. *See Kamakana v. City & Cty. of Honolulu*, 447  
28 F.3d 1172, 1180 (9th Cir. 2006). Defendants did not file a redacted version of the

1 documents they seek to file under seal. *See* Judge Burkhardt’s Civil Chamber Rules,  
2 Section V. Nor do Defendants explain why the entirety of each exhibit, some of which  
3 appear to be publicly filed court documents, should be filed under seal.

4 Accordingly, Defendants’ Application to File Under Seal is **DENIED without**  
5 **prejudice.** The Court grants Defendants leave to file a renewed motion to file under seal  
6 on or before **December 18, 2017** that provides greater justification for filing each  
7 document<sup>1</sup> under seal. For any document Defendants seek to file under seal, they should  
8 either address why the entire document should be filed under seal, or file a redacted version  
9 of the document with an explanation why the redacted portions should be redacted from  
10 public view.

11 **IT IS SO ORDERED.**

12 Dated: December 14, 2017

13   
14 Hon. Jill L. Burkhardt  
15 United States Magistrate Judge

---

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 <sup>1</sup> Some of the individual exhibits Defendants seek to file under seal comprise a collection of documents.  
Defendants should address why good cause exists to file each *document* under seal.