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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 NATURAL THOUGHTS, INC.,
12 Plaintiff,
13 v.
14 PERFORMANCE TOUCH, LLC; THE
15 HYGENIC CORPORATION;
16 PERFORMANCE HEALTH HOLDINGS
17 CORPORATION; and DOES 2-10,
18 Defendants.

Case No.: 17cv2148-BEN-LL

**ORDER DENYING WITHOUT
PREJUDICE MOTIONS TO SEAL**

[ECF Nos. 66, 72, 77]

19 Currently before the Court are the Parties' Motions to Seal filed in conjunction with
20 the Parties' briefing on Plaintiff's Motion to Compel. See ECF Nos. 62, 72, 77. "Courts
21 have long recognized 'a general right to inspect and copy public records and documents,
22 including judicial records and documents.'" Rieckborn v. Velti PLC, 2014 U.S. Dist.
23 LEXIS 142074, at *5 (N.D. Cal. Oct. 3, 2014) (quoting Nixon v. Warner Communications,
24 Inc., 435 U.S. 589, 597 (1978)). However, "[t]his right is not absolute." Id.

25 Documents related to non-dispositive motions, like the one at issue here, may be
26 filed under seal if the party filing the documents shows "good cause by making a
27 'particularized showing' that 'specific prejudice or harm will result' should the information
28 be disclosed." Digital Reg of Texas, LLC v. Adobe Systems, Inc., 2015 U.S. Dist. LEXIS

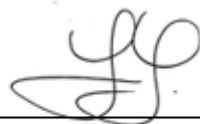
1 16928, at * 4 (N.D. Cal. Feb. 11, 2015) (quoting Kamakana v. City & County of Honolulu,
2 447 F.3d 1172, 1179-80 (9th Cir. 2006)).

3 Here, none of the Parties' motions meet the relevant standard for filing documents
4 under seal. Plaintiff states only that the documents should be filed under seal because they
5 contain information Defendant has designated "CONFIDENTIAL" or "HIGHLY
6 CONFIDENTIAL-ATTORNEYS EYES ONLY" under the Protective Order. ECF Nos. 66
7 at 3; 77 at 3. This is insufficient. See Guzik Technical Enterprises, Inc. v. Western Digital
8 Corp., 2013 U.S. Dist. LEXIS 175334, at *7 (N.D. Cal. Dec. 13, 2013) ("A blanket
9 protective order that allows the parties to designate confidential documents does not
10 provide sufficient judicial scrutiny to determine whether each particular document should
11 remain sealed."). Similarly, Defendant's asserts in a conclusory fashion that the
12 information is "commercially sensitive." ECF No. 72 at 3. This is also inadequate. See
13 Jones v. Travelers Casualty Ins. Co. of Am., 2015 U.S. Dist. LEXIS 14698, at *2 (N.D.
14 Cal. Feb. 5, 2015) ("Broad allegations of harm, unsubstantiated by specific examples of
15 articulated reasoning' will not suffice.") (quotations omitted).

16 Accordingly, the Parties' motions are **DENIED WITHOUT PREJUDICE**. Within
17 fourteen days of this order, the Parties shall either: (1) file the sealed exhibits publicly; or
18 (2) file renewed motions to seal. Should either Party choose to file a renewed motion to
19 seal, it must make a particularized showing of the specific prejudice or harm that will result
20 from the information disclosed in each document.

21 **IT IS SO ORDERED.**

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23 Dated: May 17, 2019



24
25 Honorable Linda Lopez
26 United States Magistrate Judge