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

8
9 AIRHAWK INTERNATIONAL, LLC, a
California limited liability company,

10
11 Plaintiff,

12 v.

13 ONTEL PRODUCTS CORPORATION, a
New Jersey corporation,

14 Defendant.

Case No.: 18cv73-MMA (AGS)

**ORDER DENYING DEFENDANT'S
MOTION TO FILE UNDER SEAL
EXHIBIT A TO THE STEVEN A.
CALOAIARO DECLARATION**

[Doc. No. 122]

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16 In connection with Defendant's supplemental briefing regarding its evidentiary
17 objections, Defendant moves to file under seal Exhibit A to the Declaration of Steven A.
18 Caloairo. *See* Doc. No. 122. Exhibit A consists of excerpts of the deposition transcript
19 of Plaintiff's Rule 30(b)(6) deposition. *See id.* Pursuant to the terms of the Protective
20 Order entered in this case, Plaintiff designated the transcript as confidential. *See id.*
21 Thus, Defendant maintains that Plaintiff, as the designating party, must set forth
22 compelling reasons for maintaining the deposition transcript excerpts under seal. *See id.*
23 The Court agrees.

24 Generally, a party seeking to seal a judicial record can overcome the presumption
25 in favor of access by "articulat[ing] compelling reasons supported by specific factual
26 findings . . . that outweigh the general history of access and the public policies favoring
27 disclosure, such as the public interest in understanding the judicial process." *Kamakana*
28 *v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal quotation

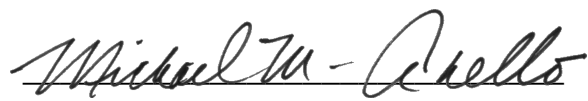
1 marks omitted).

2 Defendant filed its motion on December 16, 2019. *See* Doc. No. 122. To date,
3 Plaintiff has not filed a response setting forth compelling reasons to seal this transcript.
4 Additionally, upon review of the transcript, the excerpts do not contain the type of
5 information that, if disclosed, would harm Plaintiff's competitive standing. Accordingly,
6 because there has been no showing of compelling reasons to shield this information from
7 public view, the Court **DENIES** Defendant's motion. As set forth in the Court's previous
8 order ruling on the parties' motions to file documents under seal, pursuant to the
9 District's Electronic Case Filing Administrative Policies and Procedures Manual, if a
10 "motion to seal is denied, the document will remain lodged under seal without further
11 consideration absent contrary direction from the Court." If Defendant would like the
12 Court to consider Exhibit A in ruling on the pending dispositive motions, Defendant must
13 re-file the exhibit on the public docket on or before

14 **Monday, December 23, 2019.**

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16 **IT IS SO ORDERED.**

17 Dated: December 20, 2019

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19 HON. MICHAEL M. ANELLO
20 United States District Judge