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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IN RE OUTLAW LABORATORY, LP
12 LITIGATION.

Case No.: 18-cv-840-GPC-BGS

**ORDER DENYING MOTION TO
FILE DOCUMENTS UNDER SEAL
AND ORDERING MOVANT TO
FILE REDACTED DOCUMENTS.**

(ECF No. 270.)

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17 On August 14, 2020, the Stores moved for leave to file four documents under seal
18 in support of their response to Tauler Smith's motion for summary judgment. ECF No.
19 270. These invoices reflect the proceeds obtained by Tauler Smith, and disbursements
20 made therefrom, while litigating and settling claims advanced on behalf of the alleged
21 association-in-fact enterprise. ECF Nos. 271-1, 271-2, 271-3, 271-4. The Stores offer two
22 reasons for sealing the documents: (1) that they were produced as confidential in line
23 with an existing protective order issued by Magistrate Judge Bernard G. Skomal on June
24 19, 2020, ECF No. 235, and (2) that Outlaw is concerned filing them without seal would
25 trigger additional litigation from Tauler Smith. ECF No. 271 at 2–4.

26 The reasons put forward in the motion are insufficient to provide for sealing.
27 Courts apply a “strong presumption in favor of access” to documents filed in litigation.
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1 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003). To
2 overcome that presumption, the movant must “articulate compelling reasons supported by
3 specific factual findings that outweigh the general history of access and the public
4 policies favoring disclosure, such as the public interest in understanding the judicial
5 process.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006)
6 (quotation marks, citations, and brackets omitted).

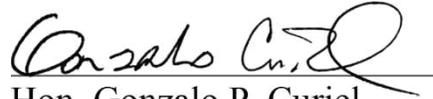
7 Here, there is no indication of what “specific facts” would merit sealing these
8 documents as opposed to filing them publicly, and that showing is required even in the
9 face of a protective order. *Kamakana*, 447 F.3d at 1179. In addition, the fact that filing a
10 document without seal may expose a party “to further litigation will not, without more,
11 compel the court to seal its records.” *Id.* Tauler Smith, moreover, has not filed a response
12 to this motion nor addressed whether the documents should be sealed in its reply to the
13 motion for summary judgment. ECF No. 280.

14 Accordingly, the Court **DENIES** the motion to file under seal. Nonetheless,
15 because the Court may reference these documents in its forthcoming Order on Tauler
16 Smith’s motion for summary judgment, the Court **ORDERS** that the Stores file redacted
17 versions of these documents by September 16, 2020. Specifically, the Court orders that
18 the names of any entities who are not Parties to this litigation be redacted. This will
19 protect the privacy of non-parties to this litigation who may have obtained or provided
20 payments noted in the invoice confidentially, and who may wish to not be associated with
21 this litigation but are not otherwise represented here. *See Nursing Home Pension Fund v.*
22 *Oracle Corp.*, No. C01-00988-MJJ, 2007 WL 3232267, at *4 (N.D. Cal. Nov. 1, 2007)
23 (citing *In re Boston Herald, Inc.*, 321 F.3d 174, 190 (1st Cir. 2003)) (finding non-party’s
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1 privacy interest in personal financial information amounted to good cause). Any Party
2 may move to file unredacted versions at any time.

3 **IT IS SO ORDERED.**

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5 Dated: September 15, 2020

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7 Hon. Gonzalo P. Curiel
8 United States District Judge

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