

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

STATE FARM FIRE AND  
CASUALTY,

Movant,

v.

GENERAL MOTORS, LLC, a  
Delaware limited liability company,

Defendant.

Case No. 1:20-cv-00040-BLW

**MEMORANDUM DECISION  
AND ORDER**

Before the Court is Defendant General Motors, LLC's Unopposed Motion to Seal (Dkt. 42). GM wishes to seal an exhibit to a declaration that was filed in connection with GM's motion for summary judgment. This particular document was marked as confidential during discovery. The protective order thus obligated GM to file a motion to seal the document. *See Protective Order*, Dkt. 18-1, ¶ 11. That alone, however, is not enough. GM must demonstrate that sealing this particular document satisfies the Ninth Circuit standard for sealing. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). GM did not address that standard. Accordingly, the Court will deny the motion without prejudice.

## ORDER

### IT IS ORDERED that:

1. Defendant General Motors, LLC's Unopposed Motion to Seal (Dkt. 42) is **DENIED WITHOUT PREJUDICE**.
2. Defendant may refile its motion within 30 days of this Order. **If such a motion is not filed within this 30-day period, the Clerk will be directed to automatically unseal the Exhibit (Dkt. 41) without further notice or order.**
3. If Defendant refiles a motions within this time period, the Exhibit at Docket 41 shall remain sealed until the Court resolves the new motion.



DATED: January 7, 2021

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
U.S. District Court Judge