



1 *Id.* Documents filed under seal are not accessible to the public.

2 The Court has approved the blanket protective order to facilitate discovery exchanges. But  
3 there has been no showing, and the Court has not found, that any specific documents are secret or  
4 confidential. The parties and the F.D.I.C. have not provided specific facts supported by declarations  
5 or concrete examples to establish that a protective order is required to protect any specific trade  
6 secret or other confidential information pursuant to Rule 26(c) or that disclosure would cause an  
7 identifiable and significant harm. The Ninth Circuit has held that there is a presumption of public  
8 access to judicial files and records and that parties seeking to maintain the confidentiality of  
9 documents attached to nondispositive motions must show good cause exists to overcome the  
10 presumption of public access. *See Kamakana* 447 F.3d at 1179. Parties seeking to maintain the  
11 secrecy of documents attached to dispositive motions must show compelling reasons sufficient to  
12 overcome the presumption of public access. *Id.* at 1180.<sup>1</sup>

13 If the sole ground for a motion to seal is that the opposing party (or non-party) has  
14 designated a document as confidential, the opposing party (or non-party) shall file a declaration  
15 establishing good cause for the sealing along with a proposed order, or shall withdraw the  
16 designation. The declaration shall be filed within seven days of service on the opposing party (or  
17 non-party) of the request for a sealing order. If the declaration is not filed as required, the Court may  
18 order the document filed in the public record.

19 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule 10-5(b),  
20 the Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above, with  
21 respect to any documents filed under seal.

22 DATED: September 24, 2013

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NANCY J. KOPPE  
United States Magistrate Judge

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26 <sup>1</sup> Additional information regarding the requirements for filing under seal can be found at *The*  
27 *Vaccine Center LLC v. GlaxoSmithKline LLC*, 2013 U.S. Dist. Lexis 68298 (D. Nev. May 14, 2013)  
28 (discussing, *inter alia*, the standards for sealing, standard for redaction rather than sealing entire documents, and impact of the stipulated protective order on a motion to seal).