

1 directly under the case number: “FILED UNDER SEAL PURSUANT TO
2 COURT ORDER DATED _____.” All papers filed under seal will
3 remain sealed until such time as the Court may deny the motion to seal or
4 enter an order to unseal them, or the documents are unsealed pursuant to
5 Local Rule.

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

7 The Court has approved the blanket protective order to facilitate discovery exchanges. But there
8 has been no showing, and the Court has not found, that any specific documents are secret or confidential.
9 The parties have not provided specific facts supported by declarations or concrete examples to establish
10 that a protective order is required to protect any specific trade secret or other confidential information
11 pursuant to Rule 26(c) or that disclosure would cause an identifiable and significant harm. The Ninth
12 Circuit has held that there is a presumption of public access to judicial files and records and that parties
13 seeking to maintain the confidentiality of documents attached to nondispositive motions must show good
14 cause exists to overcome the presumption of public access. *See Kamakana* 447 F.3d at 1179. Parties
15 seeking to maintain the secrecy of documents attached to dispositive motions must show compelling
16 reasons sufficient to overcome the presumption of public access. *Id.* at 1180.¹

17 If the sole ground for a motion to seal is that the opposing party (or non-party) has designated a
18 document as subject to protection pursuant to the stipulated protective order, the movant must notify the
19 opposing party (or non-party) at least seven days prior to filing the designated document. The designating
20 party must then make a good faith determination if the relevant standard for sealing is met. To the extent
21 the designating party does not believe the relevant standard for sealing can be met, it shall indicate that the
22 document may be filed publicly no later than four days after receiving notice of the intended filing. To the
23 extent the designating party believes the relevant standard for sealing can be met, it shall provide a
24 declaration supporting that assertion no later than four days after receiving notice of the intended filing. The
25 filing party shall then attach that declaration to its motion to seal the designated material. If the designating
26 party fails to provide such a declaration in support of the motion to seal, the filing party shall file a motion to

27 ¹ Additional information regarding the requirements for filing under seal can be found at *The Vaccine*
28 *Center LLC v. GlaxoSmithKline LLC*, 2013 U.S. Dist. Lexis 68298 (D. Nev. May 14, 2013) (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).

1 seal so indicating and the Court may order the document filed in the public record.²

2 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule 10-5(b), the
3 Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above, with respect to
4 any documents filed under seal. To the extent any aspect of the stipulated protective order may conflict
5 with this order or Local Rule 10-5(b), that aspect of the stipulated protective order is hereby superseded
6 with this order.

7 DATED: November 25, 2014

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11 NANCY J. KOPPE
12 United States Magistrate Judge
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26 ² In the event of an emergency motion, the above procedures shall not apply. Instead, the movant shall
27 file a motion to seal and the designating party shall file a declaration in support of that motion to seal within three
28 days of its filing. If the designating party fails to timely file such a declaration, the Court may order the
document filed in the public record.