

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 or items are secret or
9 confidential. The parties have not provided specific facts supported by declarations or concrete
10 examples to establish that a protective order is required to protect any specific trade secret or other
11 confidential information pursuant to Rule 26(c) or that disclosure would cause an identifiable and
12 significant harm. The Ninth Circuit has held that there is a presumption of public access to judicial files
13 and records and that parties seeking to maintain the confidentiality of documents attached to
14 nondispositive motions must show good cause exists to overcome the presumption of public access. *See*
15 *Kamakana* 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents attached to
16 dispositive motions must show compelling reasons sufficient to overcome the presumption of public
17 access. *Id.* at 1180.¹

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

26 1

27 Additional information regarding the requirements for filing under seal can be found at *The*
28 *Vaccine 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 the intended filing. The filing party shall then attach that declaration to its motion to seal the designated
2 material. If the designating party fails to provide such a declaration in support of the motion to seal, the
3 filing party shall file a motion to seal so indicating and the Court may order the document filed in the
4 public record.²

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

10 DATED: December 30, 2014.

11
12 
13 _____
14 NANCY J. KOPPE
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24

25 _____
26 2

26 In the event of an emergency motion, the above procedures shall not apply. Instead, the movant
27 shall file a motion to seal and the designating party shall file a declaration in support of that motion to
28 seal within three 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.