

1 directives set forth in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006),
2 the Court finds that compelling reasons exist for these documents to remain sealed.

3 However, a review of the docket reflects that Top Rank did not actually *file* the
4 Managerial Agreement *under seal* but, instead, filed a document suggesting it was submitted *in*
5 *camera*.¹ Special Order 109 requires the Clerk of the Court to maintain in electronic form the
6 official files for all cases filed on or after November 7, 2005. The electronic record constitutes
7 the official record of the court. Pursuant to LR 10-5 of the Local Rules of Practice, attorneys
8 must file documents under seal using the court’s electronic filing procedures:

9 Unless otherwise permitted by statute, rule or prior Court order, papers filed with
10 the Court under seal shall be accompanied by a motion for leave to file those
11 documents under seal, and shall be filed in accordance with the Court’s electronic
12 filing procedures. If papers are filed under seal pursuant to prior Court order, the
13 papers shall bear the following notation on the first page, directly under the case
number: “FILED UNDER SEAL PURSUANT TO COURT ORDER DATED
_____.” All papers filed under seal will remain sealed until such time as
the Court may deny the motion to seal or enter an order to unseal them, or the
documents are unsealed pursuant to Local Rule.

14 *See* LR 10-5(b). The Managerial Agreement must be electronically filed on the Court’s docket
15 through CM/ECF to be made part of the official record and considered in conjunction with Top
16 Rank’s Motion for Summary Judgment (Dkt. #91).

17 Accordingly,

18 **IT IS ORDERED:**


- 19 1. Defendant Top Rank, Inc.’s Motion for Leave to File Under Seal (Dkt. #127) is
20 **GRANTED**.
- 21 2. Defendant Top Rank, Inc. shall electronically **FILE** the Managerial Agreement
22 **UNDER SEAL** in CM/ECF and link the new filing to the Response to Motion for
23 Partial Summary Judgment (Dkt. #126) and Exhibit L (Dkt. #126-1). For additional
24 direction, Top Rank may refer to the *CM/ECF Version 4.0 Enhancements and*
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27 _____
28 ¹ On October 1, 2015, Top Rank filed a Notice re: In Camera Submission (Dkt. #128) stating that it would
deliver a copy of the Managerial Agreement to the “chambers of the appropriate judge.” Neither the
undersigned nor District Judge Richard F. Boulware’s chambers have received the in camera submission.

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Changes instruction guide, which is available on the Court's website, or contact the
CM/ECF Helpdesk at (702) 464-5555.

DATED this 13th day of November, 2015.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE