



1 omitted). This fact sharply tips the balance in favor of production when  
2 a document formally sealed for good cause under Rule 26(c) becomes  
3 part of the judicial record. Thus, a “good cause” showing alone will not  
4 suffice to fulfill the “compelling reasons” standard that a party must  
meet to rebut the presumption of access to dispositive pleadings and  
attachments.

5 *Id. Kamakana* recognized that “compelling reasons” sufficient to outweigh the public’s interests in  
6 disclosure and justify sealing records exist when court records may be used to gratify private spite,  
7 permit public scandal, circulate libelous statements, or release trade secrets. *Id.* at 1179 (internal  
8 quotations omitted). However, “[t]he mere fact that the production of records may lead to a litigant’s  
9 embarrassment, incrimination, or exposure to further litigation will not, without more, compel the  
10 court to seal its records.” *Id.*, citing, *Foltz v. State Farm Mutual Auto Insurance Company*, 331 F.3d  
11 1122, 1136 (9th Cir. 1995). To justify sealing documents attached to dispositive motions, a party is  
12 required to present articulable facts identifying the interests favoring continuing secrecy *and* show  
13 that these specific interests overcome the presumption of public access by outweighing the public’s  
14 interests in understanding the judicial process. *Id.* at 1181 (internal citations and quotations omitted).

15 Plaintiff’s motion incorrectly presumes that a reply brief to a motion for summary judgment  
16 merely needs to meet the “good cause” standard for sealing it and/or exhibits attached to it. However,  
17 the proper standard that the Court will apply is the “compelling reasons” standard set forth in  
18 *Kamakana*. In support of its request, Plaintiff seeks to seal its Reply because it “cites and quotes  
19 from confidential documents including Exhibits 12 and 13, which contain information about  
20 defendant’s gaming activities, credit, related financial information, and related commercially sensitive  
21 customer/business information.” As discussed in this Court’s Order (ECF No. 34), this is generally  
22 not a sufficient showing of “compelling reasons” that would justify an order sealing the requested  
23 documents.<sup>1</sup> However, much like the Court found in its prior order, a review of the Reply along with  
24 Exhibits 12 and 13 attached thereto, demonstrates that an order from the Court sealing their contents  
25 is warranted because the information appears to be trade secrets or confidential proprietary  
26 information. Accordingly,

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28 <sup>1</sup> This is however enough to meet the “good cause” standard as discussed in this Court’s Order (ECF No. 57).

