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10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12
 13 OMIX-ADA, INC., a Georgia Corporation,

14 Plaintiff,

15 v.

16 CHANGZHOU JIULONG AUTO LAMPS
 17 FACTORY; GUANGZHOU VCAN
 ELECTRONIC TECHNOLOGY CO., LTD.;
 18 SANMAK LIGHTING CO., LTD., SHENZHEN
 UNISUN TECHNOLOGY CO., LTD.; and
 19 UNITY 4WD ACCESSORIES CO., LTD.,

20 Defendants.
 21

CASE NO. 2:16-CV-02527-GMN-CWH

**PLAINTIFF'S MOTION FOR LEAVE TO
 FILE UNDER SEAL CERTAIN EXHIBITS
 TO PLAINTIFF'S MOTION FOR
 ATTORNEYS' FEES**

22 Plaintiff OMIX-ADA, INC. (hereinafter "Omix" and/or "Plaintiff") by and through its
 23 undersigned counsel of record, respectfully requests leave to file attorney billing records and
 24 rates under seal in order to protect the confidentiality of such information. The records and rates
 25 are Exhibit A to the *Declaration of John L. Krieger in Support of Omix's Motion for Attorneys'*
 26 *Fees.*
 27
 28

1 This Motion is made pursuant to Local Rule 10-5(b) and is supported by the following
2 Memorandum of Points and Authorities; the papers and pleadings on file in this action and any
3 oral argument the Court may deem necessary.

4 MEMORANDUM OF POINTS AND AUTHORITIES

5 I. Legal Argument

6 Local Rule 10-5(b) permits the Court to “direct the unsealing of papers filed under seal,
7 with or without redactions, after notice to all parties and an opportunity to be heard.” The public
8 interest in access to judicial records is limited to “the public’s understanding of the judicial
9 process and of significant public events.” *Kamakana v. City and County of Honolulu*, 447 F.3d
10 1172, 1179 (9th Cir. 2006) (quoting *Valley Broadcasting Co. v. U.S. Dist. Ct.*, 798 F.2d 1289,
11 1295 (9th Cir. 1986)). A party seeking an order to seal court records “must articulate . . .
12 compelling reasons supported by specific factual findings . . . that outweigh the general history
13 of access and the public policies favoring disclosure, such as the . . . public interest in
14 understanding the judicial process.” *Kamakana*, 447 F.3d at 1178 (internal quotations omitted).
15 Such compelling reasons include “the use of records to gratify private spite, promote public
16 scandal, circulate libelous statements, or release trade secrets.” *Id.* at 1179. In determining
17 whether to seal judicial records, a court must balance the competing interests of the public and
18 the moving party. *Id.*

19 Additionally, under Nevada law, “[a] person has a privilege, which may be claimed by
20 the person or the person’s agent or employee, to refuse to disclose and to prevent other persons
21 from disclosing a trade secret owned by him or her, if the allowance of the privilege will not tend
22 to conceal fraud or otherwise work injustice.” NEV. REV. STAT. § 49.325(1). Courts have
23 recognized billing rates as trade secrets. *See Courtesy Temporary Service, Inc. v. Camacho*, 272
24 Cal.Rptr. 352, 358, 222 Cal.App.3d 1278, 1288 (Cal.Ct.App. 2 Dist. 1990) (information such as
25 “billing rates, key contacts, specialized requirements and mark up rates, is sophisticated
26 information and irrefutably of commercial value and not readily ascertainable to other
27 competitors.”).

1 Here, in support of Omix's *Motion for Attorneys' Fees*, Omix must submit to the Court
2 detailed billing records and rates, which information is not generally available to the public or to
3 Omix's attorneys' competitors. Further, the billing records include descriptions of the work
4 performed by Omix's attorneys, which descriptions are confidential work product and attorney-
5 client communications. Accordingly, in order to protect the confidential nature of these records,
6 Omix seeks to submit the attorney billing records and rates under seal, which will give the Court
7 the opportunity to conduct an *in camera* review to assess whether Omix's attorneys' fees and
8 costs are reasonable.

9 **II. Conclusion**

10 Based on the foregoing, Omix respectfully requests that this court enter an order granting
11 Omix leave to file under seal Exhibit A to the *Declaration of John L. Krieger in Support of*
12 *Omix's Motion for Attorneys' Fees* and the billing rates listed in paragraphs 11 and 13 of the
13 same declaration.

14 DATED this 14th day of March, 2017.

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23 *Attorneys for Plaintiff Omix-ADA, Inc.*

24 IT IS SO ORDERED.

25 DATED: April 5, 2017

26 
27 _____
28 C.W. HOFFMAN, JR.

UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 14, 2017, the foregoing PLAINTIFF'S MOTION FOR
3 LEAVE TO FILE UNDER SEAL CERTAIN EXHIBITS TO PLAINTIFF'S MOTION FOR
4 ATTORNEYS' FEES was filed with the Clerk of the Court using the Court's CM/ECF system
5 which will send notification of such filing to all attorneys of record as follows:

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An Employee of Dickinson Wright PLLC