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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SCIENTIFIC GAMES CORPORATION, et al.,)	Case No. 2:17-cv-00343-JAD-NJK
)	
Plaintiff(s),)	ORDER
)	
vs.)	(Docket No. 17)
)	
AGS LLC,)	
)	
Defendant(s).)	

On February 1, 2017, Petitioners filed a motion to seal, which the Court denied without prejudice on February 16, 2017 for failure to include points and authorities. Docket Nos. 3, 13. On February 22, 2017, Petitioners filed a renewed motion to seal, which is now pending before the Court. Docket No. 17. No response was filed. *See* Docket.

I. STANDARDS

The Ninth Circuit has held that there is a strong presumption of public access to judicial records. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party seeking to file documents under seal bears the burden of overcoming that presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178).

The standard applicable to a motion to seal turns on whether the sealed materials are submitted in conjunction with a dispositive, or a non-dispositive motion. Whether a motion is

1 “dispositive” turns on “whether the motion at issue is more than tangentially related to the underlying
2 cause of action.” *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir.),
3 *cert. denied*, 137 S.Ct. 38 (2016).

4 Parties seeking to maintain the confidentiality of documents attached to non-dispositive
5 motions must make a “particularized showing” of “good cause.” *See Kamakana*, 447 F.3d at 1180
6 (quoting *Foltz*, 331 F.3d at 1137). This requirement derives from Federal Rule of Civil Procedure
7 26(c), under which “[t]he court may, for good cause, issue an order to protect a party or person from
8 annoyance, embarrassment, oppression, or undue burden or expense.” *Id.* (citing Fed. R. Civ. P.
9 26(c)(1)). “Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning,
10 do not satisfy the Rule 26(c) test.” *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 475 (9th Cir.
11 1992) (internal citation omitted).

12 On the other hand, parties “who seek to maintain the secrecy of documents attached to
13 dispositive motions must meet the high threshold of showing that ‘compelling reasons’ support
14 secrecy.” *Kamakana*, 447 F.3d at 1180. Those compelling reasons must outweigh the competing
15 interests of the public in having access to the judicial records and understanding the judicial process.
16 *Id.* at 1178-79; *see also Pintos*, 605 F.3d at 679 & n.6 (court must weigh “relevant factors,”
17 including the public’s interest in understanding the judicial process”).

18 Lastly, to the extent any confidential information can be easily redacted while leaving
19 meaningful information available to the public, the Court must order that redacted versions be filed
20 rather than sealing entire documents. *Foltz*, 331 F.3d at 1137; *see also In re Roman Catholic*
21 *Archbishop of Portland in Oregon*, 661 F.3d 417, 425 (9th Cir. 2011) (the district court must “keep
22 in mind the possibility of redacting the sensitive material”).

23 **II. ANALYSIS**

24 The pending motion seeks to seal Petitioners’ motion to compel, as well as exhibits 5, 7, 8,
25 9, 10, and 12, and Petitioners’ reply in support of the motion to compel. *See* Docket No. 17 (motion
26 to seal); Docket No. 1 (motion to compel and exhibits); Docket No. 15 (reply in support of motion
27

1 The Court hereby **INSTRUCTS** the Clerk's Office to keep the subject documents sealed for the time
2 being. No later than March 27, 2017, Petitioners shall submit a supplemental brief with
3 particularized reasons showing good cause for sealing the documents or portions of documents
4 Petitioners ask the Court to seal, and supported by a declaration or other competent evidence. For
5 the documents that Petitioners ask the Court to seal in their entirety, Petitioners must explain why
6 redaction of those documents is not possible.

7 IT IS SO ORDERED.

8 DATED: March 21, 2017.

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NANCY J. KOPPE
10 United States Magistrate Judge
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