

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 EVOLUTION MALTA LIMITED,
5 EVOLUTION GAMING MALTA LIMITED,
6 EVOLUTION GAMING LIMITED, and
7 SIA EVOLUTION LATVIA,

8 Plaintiff,

9 v.

10 LIGHT & WONDER, INC. f/k/a SCIENTIFIC
11 GAMES CORP. and LNW GAMING, INC.
12 f/k/a SG GAMING, INC.,

13 Defendants.

Case No. 2:24-cv-00993-CDS-EJY

ORDER

14 Pending before the Court is Plaintiffs' Ex Parte Motion for Leave to File Select Portions of
15 Complaint Under Seal. ECF No. 2. Plaintiffs seek permission to file a redacted version of their
16 Complaint so as not to disclose "information that is subject to confidentiality provisions ... of
17 agreements between the parties. *Id.* at 2. Plaintiffs contend that if this information is publicly
18 disclosed, Defendants may claim Plaintiffs violated their obligations "under the agreements." *Id.* at
19 2-3.

20 There is a strong presumption in favor of access to public records; to overcome it, a party
21 seeking to seal a judicial record must articulate "compelling reasons" for sealing that outweigh the
22 historical right of access and the public policies favoring disclosure. *Kamakana v. City and Cnty. of*
23 *Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). "A request to seal all or part of a complaint must
24 clearly meet the compelling reasons standard." *Liles v. Cnty. of Sacramento*, Case No. 2:24-CV-
25 00416-KJM-CKD, 2024 WL 1971882, at *1 (E.D. Cal. May 3, 2024) (internal quotation omitted);
26 *see also Nguyen v. Smith Salon, LLC*, Case No. 2:21-CV-00213-KJD-BNW, 2021 WL 6773090, at
27 *1-2 (D. Nev. May 3, 2021) (applying "compelling reasons" standard to request to seal complaint).
28 The mere fact that the production of records may lead to a party's embarrassment, incrimination, or
exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm*
Mut. Auto. Ins. Co., 331 F.3d 1122, 1136 (9th Cir. 2003).

1 Compelling reasons require a demonstration of something more, such as when court files
2 have become a vehicle for improper purposes, including “the use of records to gratify private spite,
3 promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana*, 447 F.3d
4 at 1179, (citing *Nixon v. Warner Commc’ns*, 435 U.S. 589, 598 (1978)). When a party does not
5 “point to any specific facts, supported by affidavits or concrete examples, to show why any specific
6 confidential information should remain under seal,” the party fails to provide sufficient information
7 to constitute “compelling reasons” to seal a filing. *KPG Invs., Inc. v. Sonn*, Case No. 3:22-CV-
8 00236-ART-CLB, 2023 WL 4235019, at *4 (D. Nev. June 28, 2023). *See also Small v. Univ. Med.*
9 *Ctr. of S. Nevada*, Case No. 2:13-CV-00298-APG-PAL, 2015 WL 1281549, at *3 (D. Nev. Mar. 20,
10 2015) (recognizing same).

11 In support of their Motion, Plaintiffs offer only general assertions that the information they
12 seek to seal is covered by certain unspecified “agreements between the parties,” and thus that
13 Defendants might sue Plaintiffs if Plaintiffs’ request is denied. ECF No. 2 at 1-2. These vague
14 assertions do not include the specificity required to adequately support Plaintiffs’ request. Plaintiffs
15 must provide some factual basis as to the nature of the information they seek to seal that supports an
16 adequate legal reason for their request. *See Kamakana*, 447 F.3d at 1179 (internal citation omitted).
17 As of now, the Court simply does not have enough information to rely upon to grant the request.

18 Accordingly, IT IS HEREBY ORDERED that if Plaintiffs seeks to file their Complaint with
19 unredacted portions under seal, Plaintiffs **must**, no later than **June 10, 2024**, file a memorandum
20 providing additional information demonstrating a compelling reason for the sealing request.

21 IT IS FURTHER ORDERED that Plaintiffs’ Complaint at ECF No. 1 will remain
22 temporarily sealed pending further order of the Court.

23 DATED this 4th day of June, 2024.

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26 _____
27 ELAYNA J. YOUCHAH
28 UNITED STATES MAGISTRATE JUDGE