

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA UCHYTIL, on behalf of the United
States of America,

Plaintiff,

v.

AVANDE INC., a Washington corporation, *et*
al.,

Defendants.

CASE NO. C12-2091-JCC

ORDER

This matter comes before the Court on the parties' stipulated motions to seal (Dkt. Nos. 150, 170) Defendants' exhibits (Dkt. Nos. 156, 174) to their motion to exclude expert testimony (Dkt. No. 154) and exhibits (Dkt. No. 159) to their motion for summary judgment (Dkt. No. 157). Having thoroughly considered the parties' motions and the relevant record, the Court hereby GRANTS the motions (Dkt. Nos. 150, 170) for the reasons explained herein.

The Court starts from the position that "[t]here is a strong presumption of public access to [its] files." W.D. Wash. Local Civ. R. 5(g). This presumption applies particularly to "dispositive pleadings," which include motions for summary judgment and attached exhibits. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). To overcome this presumption, there must be a "compelling reason" for sealing that is "sufficient to outweigh the public's interest in disclosure." *Id.* Defendants seek to file five documents marked as

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1 “confidential” by the Air Force in support of their motion for summary judgment. (Dkt. No. 150
2 at 2.) Having reviewed the documents, the Court finds they contain sensitive government
3 contracting and procurement information, providing a compelling reason to maintain these
4 documents under seal. The parties’ stipulated motion to seal Exhibits 10, 11, 12, 29 and 46 in
5 support of Defendants’ motion for summary judgment is GRANTED.

6 Defendants also seek to seal exhibits supporting their motion to exclude testimony. (Dkt.
7 Nos. 150 at 2.) Where exhibits are attached to a motion unrelated to the merits of a case, a
8 showing of good cause is sufficient to support a motion to seal. *Center for Auto Safety v.*
9 *Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). This standard applies to documents
10 filed in support of Defendants’ motion to exclude the testimony of Dr. Christina Tapia. The
11 Court finds good cause to maintain under seal Exhibits 5, 6, and 7 to Devin Anderson’s
12 Declaration (Dkt. No. 156) and Exhibits 12, 13, and 14 to Anderson’s Supplemental Declaration
13 (Dkt. No. 174), given the sensitive business and financial information contained therein. The
14 parties’ motion to seal these documents is GRANTED.

15 For the foregoing reasons, the parties’ stipulated motions to seal (Dkt. Nos. 150, 170) are
16 GRANTED. The Clerk is DIRECTED to maintain Dkt. Nos. 156, 159, 174 under seal.

17 DATED this 11th day of June 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE