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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 ROBERT KENNY ,

7 Plaintiff,

8 v.
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10 PACIFIC INVESTMENT MANAGEMENT
11 COMPANY LLC, a Delaware limited liability
12 company; PIMCO INVESTMENTS LLC,

12 Defendants.

Case No. C14-1987 RSM

ORDER GRANTING MOTION TO SEAL

13 This matter comes before the Court on Plaintiff Robert Kenny's Motion to Seal. Dkt.
14 #64. The Motion was noted for consideration on June 10, 2016. No Response brief was filed
15 by Defendants. Plaintiff's Motion to Seal states:
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17 Pursuant to Local Rule 5(g), Plaintiff files this Motion to Seal and
18 respectfully requests the Court provisionally seal six of the fifteen
19 exhibits accompanying the Declaration of Tana Lin in support of
20 Plaintiff's contemporaneously-filed Motion to Compel PIMCO
21 Defendants to Produce Documents, as well as an unredacted copy
22 of the Motion to Compel itself that recites portions of these
23 exhibits. Defendants and non-party William Popejoy have
24 respectively produced and designated these documents as
25 confidential pursuant to the Stipulated Protective Order (Dkt. No.
26 55). Plaintiff takes no position as to whether these documents
27 should be kept under seal but provisionally files them under seal. It
28 falls to Defendants and Mr. Popejoy to justify any continued
sealing.

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Plaintiff takes no position as to whether the six documents that he
has provisionally filed under seal should be maintained under seal.
Under Local Rule 5(g), Defendants and Mr. Popejoy bear the
burden to justify the maintenance of the documents Plaintiff has
filed under seal.

1 Dkt. #64 at 1. On June 15, 2016, the Court issued an Order to Show Cause why this Motion
2 should not be denied and the documents at issue unsealed. Dkt. #72. On June 22, 2016,
3 Defendants submitted a Response to this Order and supporting declaration, arguing in favor of
4 sealing the documents at issue with the “specific statement” required under LCR 5(g)(3)(B).
5 Dkt #74. Defendants argue that there is “ample reason for this material to be protected from
6 public disclosure” because “as to materials reflecting the deliberations of the PIMCO Funds
7 Board of Trustees and the detailed financial and commercial information underlying those
8 deliberations, there is substantial risk of competitive harm to PIMCO and of a chilling effect on
9 Board deliberations if such materials were open to public scrutiny,” and “as to materials relating
10 to a dispute regarding a Trustee’s departure from the Board, good cause exists based on the non-
11 party Trustees’ interests in maintaining the privacy of Board determinations regarding its
12 makeup.” Dkt. #74 at 2. Defendants argue that certain documents at issue were produced by
13 William Popejoy, a former PIMCO Funds independent trustee, pursuant to a subpoena from
14 Plaintiff, and that Mr. Popejoy designated the documents as confidential pursuant to the
15 Stipulated Protective Order, Dkt. #55. *Id.* at 5. Defendants state that they “regret[] not making
16 a timely submission regarding the Motion to Seal pursuant to LCR 5(g)(3)(B),” but that they
17 intended to respond to this Motion contemporaneous with filing a response to the underlying
18 Motion to Compel. *Id.* Defendants apologize for not making this intention clear in their prior
19 stipulation to extend the deadline to respond to the Motion to Compel. *Id.* Defendants attach a
20 declaration supporting these arguments, and nonparty witness William Popejoy has filed a
21 Joinder in support of Defendants’ position. *See* Dkt. ## 75, 79.

22 “There is a strong presumption of public access to the court’s files.” LCR 5(g). “Only
23 in rare circumstances should a party file a motion, opposition, or reply under seal.” LCR
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