

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SPENCER ALPERT,  
  
Plaintiff,

v.

NATIONSTAR MORTGAGE LLC,  
et al.,  
  
Defendants.

CASE NO. C15-1164 RAJ  
  
ORDER

This matter comes before the Court on Plaintiff’s Motion to File Exhibit 3-A to the Declaration of Jason E. Anderson Under Seal (“Motion to Seal”). Dkt. # 107. Plaintiff seeks to file under seal certain documents produced by Defendants and designated as “CONFIDENTIAL.” *Id.* at 1. Plaintiff attaches these documents as exhibits to a declaration in support of its summary judgment motion. Dkt. # 106.

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

1 moving party must include “a specific statement of the applicable legal standard and the  
2 reasons for keeping a document under seal, with evidentiary support from declarations  
3 where necessary.” LCR 5(g)(3)(B). However, where parties have entered a stipulated  
4 protective order governing the exchange in discovery of documents that a party deems  
5 confidential, “a party wishing to file a confidential document it obtained from another  
6 party in discovery may file a motion to seal but need not satisfy subpart (3)(B) above.  
7 Instead, the party who designated the document confidential must satisfy subpart (3)(B)  
8 in its response to the motion to seal or in a stipulated motion.” LCR 5(g)(3). A “good  
9 cause” showing under Rule 26(c) will suffice to keep sealed records attached to non-  
10 dispositive motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1180 (9th  
11 Cir. 2006) (internal citations omitted). For dispositive motions, the presumption may be  
12 overcome by demonstrating “compelling reasons.” *Id.*; *Foltz v. State Farm Mutual Auto.*  
13 *Ins. Co.*, 331 F.3d 1135-36 (9th Cir. 2003).

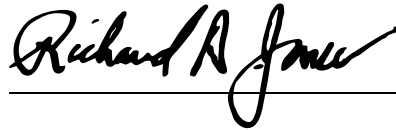
14 Defendants have not filed any response to Plaintiff’s Motion to Seal. Although  
15 Plaintiff believes that the documents have the “look and feel of a trade secret,” this Court  
16 operates on factual findings, not feelings. Dkt. # 107 at 2. Plaintiff’s cursory review and  
17 opinion of the materials does not satisfy Local Rule 5(g). Defendants, as the parties  
18 designating these documents, have not met their burden to provide a “specific statement”  
19 articulating why these documents should be kept under seal. LCR 5(g)(3). No party has  
20 overcome the “strong presumption of public access to the court’s files.” LCR 5(g).

21 The Court accordingly **DENIES** Plaintiff’s Motion to Seal. Dkt. # 107.

22 **Defendants shall have twenty-one (21) days from the date of this Order to explain to**  
23 **this Court why these documents should be kept under seal.**

1 If Defendants fail to make such a showing, the Clerk is directed to unseal Dkt. #  
2 106.

3  
4 Dated this 21<sup>st</sup> day of August, 2018.

5  
6   
7

8 The Honorable Richard A. Jones  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27