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

7 TAMARA LOHR and RAVIKIRAN
8 SINDOGI, on behalf of themselves and all
9 others similarly situated,

10 Plaintiffs,

11 v.

12 NISSAN NORTH AMERICA, INC., and
13 NISSAN MOTOR CO., LTD.,

14 Defendants.

Case No. C16-1023RSM

ORDER GRANTING AND DENYING
MOTIONS TO SEAL

15 This matter comes before the Court on Plaintiffs' Motions to Seal, Dkts. #138, #152,
16 #158, #165, and #199. These Motions are unopposed, except for Dkts. #158 and #165.
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18 "There is a strong presumption of public access to the court's files." LCR 5(g). "Only
19 in rare circumstances should a party file a motion, opposition, or reply under seal." LCR
20 5(g)(5). Normally the moving party must include "a specific statement of the applicable legal
21 standard and the reasons for keeping a document under seal, with evidentiary support from
22 declarations where necessary." LCR 5(g)(3)(B). However:
23

24 Where parties have entered a litigation agreement or stipulated
25 protective order (see LCR 26(c)(2)) governing the exchange in
26 discovery of documents that a party deems confidential, a party
27 wishing to file a confidential document it obtained from another
28 party in discovery may file a motion to seal but need not satisfy
subpart (3)(B) above. Instead, the party who designated the
document confidential must satisfy subpart (3)(B) in its response to
the motion to seal or in a stipulated motion.

1 LCR 5(g)(3). A “good cause” showing under Rule 26(c) will suffice to keep sealed records
2 attached to non-dispositive motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172,
3 1180 (9th Cir. 2006) (internal citations omitted). For dispositive motions, the presumption may
4 be overcome by demonstrating “compelling reasons.” *Id.*; *Foltz v. State Farm Mutual Auto. Ins.*
5 *Co.*, 331 F.3d 1135-36 (9th Cir.2003). Applying the “compelling reasons” standard, the Ninth
6 Circuit has found appropriate the sealing of documents attached to a motion for summary
7 judgment when court records could be used “as sources of business information that might harm
8 a litigant’s competitive standing.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,
9 1097 (9th Cir. 2016), *cert. denied*, 137 S.Ct. 38 (2016).

11 The Court has deep reservations about the sealing of certain of these exhibits.
12 However, given the procedural posture of this case and the lack of opposition, the Court will
13 now grant the majority of these Motions and keep the related documents under seal at this time.
14 The exceptions are Dkts. #158 and #165, where the parties appear to agree that the documents
15 at issue should not be sealed based on prior rulings of the Court.
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17 Having reviewed the relevant briefing, the declarations and exhibits attached thereto,
18 and the remainder of the record, the Court hereby finds and ORDERS that Plaintiffs’ Motions
19 to Seal, Dkts. #138, #152, and #199, are GRANTED. The Motions at Dkt. #158 and #165 are
20 DENIED. All filings at Dkts. #140, #145, #154, #155, #201, and #202 are to remain under
21 seal. Dkts. #160, #167, and #168 are to be unsealed.
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23 DATED this 19th day of April, 2022.
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26 RICARDO S. MARTINEZ
27 CHIEF UNITED STATES DISTRICT JUDGE
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