

THE HONORABLE JOHN C. COUGHENOUR

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

G.G., A.L., and B.S., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

VALVE CORPORATION, a Washington
corporation,

Defendant.

CASE NO. C16-1941-JCC

ORDER

This matter comes before the Court on Plaintiffs’ motion to seal their response in opposition to Defendant’s motion to lift stay and dismiss case with prejudice, and exhibits attached thereto (Dkt. No. 34). Plaintiffs have filed their motion following Defendant’s designation of the materials as “Confidential” pursuant to the stipulated protective order entered in this case. (*Id.* at 3; *see* Dkt. No. 23.)

“There is a strong presumption of public access to the court’s files.” W.D. Wash. Local Civ. R. 5(g)(3); *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). However, documents filed in support of a dispositive motion should remain under seal when a party can “articulate[] compelling reasons supported by specific factual findings” that outweigh the public’s interest in access. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

1 Plaintiffs have filed under seal their response in opposition to Defendant’s motion to lift
2 stay and dismiss case with prejudice (Dkt. No. 35) and exhibits attached thereto. (Dkt. Nos. 35-
3 1–35-10.) In its response to Plaintiffs’ motion to seal, Defendant has narrowed its designation of
4 “Confidential” to the following materials:

- 5 1. Plaintiffs’ Response in Opposition to Valve’s Motion to Lift Stay and Dismiss Case with
6 Prejudice (Dkt. No. 35);
- 7 2. Exhibit C to Plaintiffs’ Response, excluding the testimony from Claimant B.S.’s son
8 (Dkt. No. 35-3);
- 9 3. The documents identified in Exhibit D as Exhibits C-59, C62, C-72, C-88, C-92, C-95, C-
10 97, C-100, C-106, C-122, C-126, C-130 (also identified as 130), C-165 (also identified as
11 165), R-15, R-16, R-17, R-19, R-22, R-23, R-31, R-32, and R-39 (Dkt. Nos. 35-4, 35-5,
12 35-6);
- 13 4. Exhibit E to Plaintiffs’ Response, excluding testimony of Claimant G.G. and her son
14 (Dkt. No. 35-7);
- 15 5. The documents identified in Exhibit F as Exhibits C-72, C-75, C-88, C-95, C-105, C-137,
16 C-162, C-167, C-168, R-9, R-10, R-11, R-13, R-14, R-16, R-22, R-25, and R-26 (Dkt.
17 Nos. 35-8, 35-9); and
- 18 6. The post-hearing arbitration briefs in Exhibit G to Plaintiffs’ Response (Dkt. No. 35-10).

19 Defendant has argued that the materials it seeks to maintain under seal concern highly
20 sensitive business and financial information that is confidential and proprietary to Defendant.
21 (See Dkt. No. 40.) Having reviewed the materials, the Court agrees and FINDS that Defendant’s
22 interest in maintaining the information as confidential and proprietary constitutes a compelling
23 reason that outweighs the general public’s interest in its disclosure.

24 Therefore, Plaintiffs’ motion to seal (Dkt. No. 34) is GRANTED. The Clerk is
25 DIRECTED to maintain Docket Numbers 35, 35-1, 35-2, 35-3, 35-4, 35-5, 35-6, 35-7, 35-8, 35-
26 9, and 35-10 under seal. The parties are ORDERED to file publicly-available versions of the

1 documents for which Defendant has withdrawn its designation of "Confidential" in its response
2 to Plaintiffs' motion to seal. (See Dkt. No. 40.)

3 DATED this 18th day of March 2019.

4
5
6 

7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26