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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CEN COM, INC., a Washington Corporation
doing business as American Digital
Monitoring,

Plaintiff,

v.

NUMEREX CORP., a Pennsylvania
Corporation; NextAlarm, LLC, a Georgia
Limited Liability Company; and DOES 1 –
10,

Defendants.

Case No. C17-0560RSM

ORDER GRANTING IN PART AND
DENYING IN PART JOINT MOTION
TO FILE UNDER SEAL

I. INTRODUCTION

This matter comes before the Court on the parties’ Joint Motion and Stipulation to File Under Seal. Dkt. #33. Defendants seek an Order sealing 12 pages of material that have been filed publicly on the docket by Plaintiff, despite Defendants having marked the material as “Confidential” or “Attorney’s Eyes Only.” *Id.* The motion is supported by the Declaration of Wayne Stargardt, which has been filed under seal. Dkt. #34. Although it joins in the motion and stipulation, Plaintiff itself takes no position as to whether the materials in question satisfy the requirements for filing under seal. Dkt. #33 at ¶ 8. The Court has reviewed the information and exhibits sought to be filed under seal. For the reasons discussed herein, the Court GRANTS IN PART AND DENIES IN PART the parties’ motion.

ORDER - 1

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II. DISCUSSION

“There is a strong presumption of public access to the court’s files.” Local Rule CR 5(g)(2). For nondispositive motions, “this presumption may be overcome by a showing of good cause.” *Id.* For dispositive motions, parties must make a “compelling showing” that the public’s right of access is outweighed by the parties’ interest in protecting the documents. *Id.* “In general, ‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such court files might have become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations omitted). “The mere fact that the production of records may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records.” *Id.* (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003)). Further, the Court will not grant broad authority to file documents under seal simply because the parties have designated them as confidential in the course of discovery. *Kamakana*, 447 F.3d at 1183. “If possible, a party should protect sensitive information by redacting documents rather than seeking to file them under seal.” CR 5(g)(3). Thus, “the motion or stipulation to seal should include an explanation of why redaction is not feasible.” *Id.*

With respect to the **Declaration of Wayne Stargardt at lines 3:12-14, 4:5-6, 4:12-17, 5:6-14, and 6:10-14**, the Court finds a “compelling reason” to outweigh the presumption in favor of public access to court records as that Declaration contains confidential and/or

1 version of that Declaration on the public docket, **redacting only lines 3:12-14,**
2 **4:5-6, 4:12-17, 5:6-14, and 6:10-14.**

- 3 3. With respect to the materials contained at Dkt. #26, pages 78-89, nothing in this
4 Order precludes Defendants from moving again to seal those materials; however,
5 any such motion must address the Court's request for further information
6 discussed above, along with the applicable legal standard.
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8 DATED this 5 day of February, 2018.
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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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