

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LI LIU,

Plaintiff,

v.

KEEGAN KELL,

Defendant.

CASE NO. C17-0640-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Defendant’s unopposed second motion to seal (Dkt. No. 60) exhibits to Defendant’s reply to Plaintiff’s response to his motion to dismiss and for sanctions (Dkt. No. 64), and the reply brief itself (Dkt. No. 61). These documents contain bank records and other personal financial information covered under a protective order entered in this matter (Dkt. No. 43). “There is a strong presumption of public access to the court’s files.” W.D. Wash. Local Civ. R. 5(g); *see also Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). Documents filed in support of a dispositive motion should remain under seal only 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). A party seeking to seal such documents must also comply with Local Civil Rule 5(g).

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1 Defendant asks the court to seal exhibits to his reply brief (Dkt. No. 64) pursuant to the
2 protective order entered in this matter. (Dkt. No. 60 at 1.) Defendant concedes that he has not
3 met and conferred with Plaintiff regarding his motion to seal—as required by Local Rule
4 5(g)(3)(A). (Dkt. No. 60 at 1.) However, because the information at issue is Plaintiff’s and is
5 covered by a protective order, the Court will not deny the motion on this basis. Instead, the Court
6 ORDERS Plaintiff to file a response to Defendant’s motion to seal stating whether the
7 documents should be maintained under seal and the compelling reasons for sealing the
8 documents, in accordance with Local Civil Rule 5(g)(3). The response shall be filed no later than
9 **fourteen (14) days** from the issuance of this order.

10 Defendant also asks the Court to seal his reply brief (Dkt. No. 61) because it contains
11 summaries of the sealed exhibits.¹ (Dkt. No. 60 at 1.) “Only in rare circumstances should a party
12 file a . . . reply under seal.” W.D. Wash. Local Civ. R. 5(g)(5). Defendant has not complied with
13 the process laid out in the local rules for doing so. Accordingly, the Court ORDERS the parties
14 to meet and confer to determine whether Plaintiff, as the designating party, will withdraw the
15 confidential designation as to information contained in the reply brief, or if the brief can be
16 redacted such that sealing is unnecessary. *See* W.D. Wash. Local Civ. R. 5(g)(1)(A). The parties
17 must meet and confer within **ten (10) days** of the issuance of this order.

18 If the parties determine that filing the reply brief under seal cannot be avoided, Defendant
19 must comply with Local Rule 5(g)(5) and publically file a redacted reply, alongside the sealed,
20 unredacted brief. *See* W.D. Wash. Local Civ. R. 5(g)(5). If necessary, Plaintiff’s response to
21 Defendant’s motion to seal should also address reasons for sealing Defendant’s reply brief.

22 For the reasons stated above, the Court hereby ORDERS as follows:

- 23 1. The Court ORDERS parties to meet and confer regarding sealing and redacting of

24 _____
25 ¹ While Defendant’s motion asked the Court to seal his reply, it was not filed under seal.
26 (*See* Dkt Nos. 60, 61.) Out of an abundance of caution, the Court placed this document under
seal pending the resolution of the present motion.

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Defendant’s reply brief within **ten (10) days** of the issuance of this order.

- 2. If parties determine that reply brief should be maintained under seal, Defendant must publically file a redacted version of the brief within **fourteen (14) days** of this order.
- 3. Plaintiff is INSTRUCTED to file a response to Defendant’s motion to seal within **fourteen (14) days** of this order.

DATED this 8th day of March 2018.

William M. McCool
Clerk of Court

s/Tomas Hernandez
Deputy Clerk