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

7 RICK LARSEN, individually and on behalf of
8 all others similarly situated,

9 Plaintiffs

10 v.

11 PTT, LLC,

12 Defendant.

Cause No. C18-5275RSL

ORDER DENYING
DEFENDANT'S MOTION
TO SEAL

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14 This matter comes before the Court on "Defendant's Motion to Seal." Dkt. # 255. The
15 documents at issue are excerpts of the transcript of the deposition of Anthony Singer,
16 defendant's Chief Executive Officer, and the unredacted memorandum that discusses the
17 excerpts. Dkt. # 258. The motion to seal was filed on January 16, 2024, and incorrectly noted for
18 consideration on the first Friday thereafter. Defendant has failed to show in its opening
19 memorandum that a seal is warranted, however, so there is no need to hear from plaintiff before
20 the Court issues its decision.
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23 "There is a strong presumption of public access to the court's files," and, absent a
24 showing that the public's right of access is outweighed by the interests of the public and/or the
25 parties in shielding the material from public view, a seal is not appropriate. LCR 5(g). A party's
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28 ORDER DENYING DEFENDANT'S
MOTION TO SEAL - 1

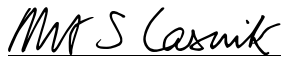
1 unilateral designation of a document as confidential under a protective order does not, in and of
2 itself, justify a seal under LCR 5(g)(2). In support of its motion to seal, defendant states only
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4 that it provisionally designated the transcript as confidential, that it intends to provide final
5 designations in the future, that defendant and its subsidiary, High 5 Entertainment are privately
6 held entities, and that the transcript “discusses sensitive, nonpublic topics that would have a
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8 substantial and injurious effect on both entities’ business” if made public. Dkt # 255 at 2.

9 The bare recitation of the standard for granting a seal -- that the transcript contains
10 sensitive and nonpublic information and its disclosure would be detrimental -- is insufficient to
11 justify a seal, especially where defendant acknowledges that its designation of the transcript as
12 confidential was provisional. Defendant does not identify what information qualifies as both
13 “sensitive” and “nonpublic,” nor does it show that a particularized, concrete harm may result
14 from its public disclosure. A review of the portions of the transcript cited in defendant’s
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16 opposition memorandum does not support the claim: those portions discuss items such as the
17 procedure a customer follows to play High 5 Casino, the formation and ownership of High 5
18 Entertainment, whether High 5 Entertainment pays rent and certain operational costs, and
19 whether individuals from Washington can play High 5 Casino. Some of this information is
20 publicly available, and it is not clear how disclosure of any of these items would cause
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22 defendants competitive harm.¹
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26 ¹ Even if defendant had offered some support for a seal at this juncture, the deposition transcript
27 was unsealed last week when defendant failed to support the claim of confidentiality in response to Dkt.

1 For all of the foregoing reasons, defendant's motion to seal, Dkt. # 255, is DENIED.

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3 Dated this 29th day of January, 2024.

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5 Robert S. Lasnik
6 United States District Judge
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26 # 249. See Dkt. # 284. Sealing one copy of the deposition transcript when another is publicly available is
27 inconsistent with the nature and purpose of a seal.

28 ORDER DENYING DEFENDANT'S
MOTION TO SEAL - 3