

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**STANDING ORDER GOVERNING
ADMINISTRATIVE MOTIONS TO FILE UNDER SEAL
AND DECLARATIONS IN SUPPORT OF SEALING**

Any party seeking to file a document under seal with this Court must comply with this Order, Civil Local Rule 79-5, and General Order 62. A party who has designated material as confidential must also file a declaration in support of sealing that rebuts the strong presumption in favor of public access that applies to all documents other than grand jury transcripts or pre-indictment warrant materials. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

A. Contents of Motions to File Under Seal

Administrative motions to file documents under seal must contain the following information, presented in the following sequence:

1. A statement that the filing party has reviewed and complied with this Order.
2. A statement that the filing party has reviewed and complied with Civil Local Rule 79-5 and General Order 62.
3. An identification of each document, documents, or portions of documents proposed to be sealed or redacted.
4. A statement identifying the entity that has designated the information to be confidential. If a party seeks to seal numerous documents, the Court will consider a chart that identifies the entity that designated each document as confidential.
5. A certificate of service demonstrating that the following materials have been served on all parties: (1) the motion; (2) the document or documents to be sealed; (3) if applicable, a redacted copy of the document or documents to be sealed; (4) the declaration; (5) the proposed order; and (6) all other materials accompanying the motion. If the material to be filed under seal has been designated as confidential by a non-party to the litigation, the filing party must serve the above items, this Order, and Civil Local Rule 79-5 on the non-party, and file a certificate of service.

B. Contents of Declarations and Proposed Orders Filed in Support of Sealing

The following requirements apply only to the declaration and proposed order filed by the entity that has designated the material as confidential. Per this Court's Standing Order for All Civil Cases, electronic copies of proposed orders must be sent in Word format to jstpo@cand.uscourts.gov.

Both the declaration and proposed order in support of sealing must establish, with reference to appropriate authority, that both of the following requirements are met:

1. The document or document portion is “privileged or protectable as a trade secret or otherwise entitled to protection under the law.” Civil Local Rule 79-5(a). Note that “[a] stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of documents under seal.” *Id.*
2. The “strong presumption of access to judicial records” is rebutted under the appropriate legal standard, *i.e.*, the “good cause” or “compelling reasons” standard. *See Kamakana*, 447 F.3d at 1178–82 (discussing “good cause” and “compelling reasons” standards with respect to dispositive and non-dispositive motions); *Fujitsu Ltd. v. Belkin Int’l, Inc.*, 10-cv-03972-LHK, Dkt. No. 475, 2012 WL 6019754 (N.D. Cal. Dec. 3, 2012) (discussing same with respect to motions that go to the merits of the case). The declaration and proposed order must identify the appropriate standard and articulate the reasoning and findings that satisfy that standard.

Administrative motions to file documents under seal that do not comply with this Order will be terminated and the filing party will be directed to re-file. Such termination does not operate as a denial of the motion for purposes of Civil Local Rule 79-5(d) and (e). Once a motion to file under seal has been terminated, the Court will not consider any documents lodged with the motion under seal for any purpose unless the filing party re-files a proper motion and the Court grants it.

Dated: April 8, 2013



JON S. TIGAR
United States District Judge