

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**STANDING ORDER GOVERNING ADMINISTRATIVE MOTIONS
TO FILE MATERIALS UNDER SEAL BEFORE
DISTRICT JUDGE JON S. TIGAR**

Any party seeking to file a document under seal must comply with this order and Civil Local Rule 79-5. A party who has designated material as confidential also must 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 materials 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.
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 materials to be sealed as 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. The filing party must serve the above items, this order, and a copy of Civil Local Rule 79-5, and file a certificate of service, with respect to (1) any party who is not on ECF; and (2) any non-party that has designated as confidential any material to be sealed.

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 the Court's Standing Order for All Civil Cases, electronic copies of proposed orders must be sent in Word format to jstpo@cand.uscourts.gov.

The declaration 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, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). Note that “[r]eference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Civil L.R. 79-5(d)(1)(A).
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 Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016) (discussing “good cause” and “compelling reasons” standards with respect to the merits of the motion to the underlying case). The declaration must identify the appropriate standard and articulate why the materials to be sealed satisfy that standard.

The proposed order must also identify the appropriate legal standard and satisfy Civil Local Rule 79-5(d)(1)(B), which requires a “proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed.”

Dated: January 25, 2021



JON S. TIGAR
United States District Judge