

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-04226 GAF (AJWx)	Date	July 22, 2011
Title	Tri-Star Electronics International, Inc. v. Preci-Dip Durtal SA		

Present: The Honorable	GARY ALLEN FEESS	
Renee Fisher	None	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
None	None	

Proceedings: (In Chambers)

ORDER RE: APPLICATION TO FILE UNDER SEAL

The Court is in receipt of Defendant Preci-Dip Durtal SA's ("Defendant") application to file under seal its "Invalidity Contentions" document. (Defendant's Application to File Under Seal.) In the application, Defendant states that this document should be filed under seal because it contains "confidential drawings pertaining to [its] Reversed Clip Contact." (*Id.* at 2.) Based on the reasons discussed in greater detail below, the Court finds that Defendant has failed to make an adequate showing of the need for confidentiality.

The public has a "general right to inspect and copy public records and documents, including judicial records and documents" because it has an interest in "keep[ing] a watchful eye on the workings of public agencies." *Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 597-598 (1978). A "strong presumption of access to judicial records applies fully to dispositive pleadings, including motions for summary judgment and related attachments." *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). "[J]udicial records attached to a dispositive motion" will not be sealed absent "compelling reasons" because the resolution of a dispute "is at the heart of the interest in ensuring the 'public's understanding of the judicial process and of significant public events.'" *Id.* (citation omitted). Because the Court deems the Invalidity Contentions document to be critical to the ultimate outcome in this case, Defendant must meet the "compelling reasons" standard.

Under the "compelling reasons" standard, this Court "must weigh 'relevant factors,' base its decision 'on a compelling reason,' and 'articulate the factual basis for its ruling, without

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relying on hypothesis or conjecture.” Pintos v. Pac. Creditors Ass’n, 605 F.3d 665, 679 (9th Cir. 2010) (quoting Hagestad v. Tragesser, 49 F.3d 1430, 1434 (9th Cir. 1995)). “Relevant factors include the public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.” Id. at 679 n.6 (internal quotations and citation 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.” Kamakana, 447 F.3d at 1179. Further, to establish compelling reasons justifying filing documents under seal, a party must “articulate compelling reasons supported by specific factual findings.” Id. at 1178 (alteration, quotations, and citation omitted).

Here, Defendant has failed to articulate the specific factual basis for filing the Invalidity Contentions document under seal. Rather, Defendant has merely stated in a conclusory manner that the document contains “confidential drawings pertaining to [its] Reversed Clip Contact.” (Application to File Under Seal at 2.) Accordingly, the pending application to file under seal is **DENIED**. The Court notes, however, that if Defendant wishes to re-file an application to seal this document, it needs to explain what has been redacted from the Invalidity Contentions, and state the “compelling reasons” why these redacted pages should be sealed. Further, blanket claims of confidentiality will result in a denial of the application to seal. Counsel is strongly encouraged to consider carefully whether sealing or redaction is required for a given piece of evidence. The inclusion of clearly meritless requests to seal or redact pages from the Invalidity Contentions may result in the complete rejection of an application to seal.

IT IS SO ORDERED.