

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Laatz v. Zazzle, Inc.

Laatz · No. 22-cv-04844-BLF · Decided August 28, 2025

SUMMARY

The United States District Court for the Northern District of California grants Plaintiff Nicky Laatz’s administrative motion to consider whether materials submitted in support of a motion to exclude expert testimony should be sealed. Applying the compelling-reasons standard, the court permits redaction or sealing of confidential information concerning Zazzle’s proprietary Design Tool, users, designs, sales, revenues, and expenses.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 28, 2025
DOCKET	22-cv-04844-BLF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an administrative motion to consider whether materials submitted in support of her motion to exclude defendants' expert testimony should be sealed. Defendants supported the sealing request, and the motion was unopposed.
STANDARD OF REVIEW	The court applied the Ninth Circuit's public-access standard for judicial records, using the compelling-reasons standard for materials more than tangentially related to the merits and the good-cause standard for materials attached to non-dispositive motions.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Nicky Laatz, et al. v. Zazzle, Inc., et al.

TOPICS

- civil procedure
- commercial litigation
- expert testimony
- evidence

PRACTICE AREAS

civil procedure

commercial litigation

evidence

QUESTIONS PRESENTED

1. Whether the portions of expert reports submitted in support of Plaintiff's motion to exclude defendants' experts should be sealed under the compelling-reasons standard.
2. Whether Defendants' proposed sealing requests were narrowly tailored and supported by specific facts showing that disclosure would cause competitive or commercial harm.

HOLDINGS

1. Because the sealing motion concerned materials submitted in support of a motion to exclude expert testimony, the materials were more than tangentially related to the underlying cause of action, and the court applied the compelling-reasons standard.
2. The court held that Defendants established compelling reasons to seal information revealing Zazzle's confidential internal technical operations and commercially sensitive information, and that the requests were narrowly tailored because no less restrictive alternative was sufficient.

KEY QUOTATIONS

"Accordingly, when considering a sealing request, "a 'strong presumption in favor of access' is the starting point." (at 1)

"Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning" will not suffice." (at 1)

"The Court finds that Defendants have established compelling reasons to seal information that would reveal confidential information about Zazzle's internal technical operations and commercially sensitive information." (at 2)

FACTUAL BACKGROUND

The sealing motion concerned portions of expert reports submitted in support of Plaintiff's motion to exclude defendants' experts. Defendants identified confidential information concerning Zazzle's proprietary Design Tool, numbers of designs and users, sales, revenues, and expenses. The requested redactions were unopposed, and the court found that disclosure could reveal confidential internal technical operations and commercially sensitive information.

PROCEDURAL HISTORY

In the underlying federal civil action, Plaintiff Nicky Laatz moved to exclude defendants' expert testimony and filed an administrative motion seeking to seal portions of expert reports. Defendants Zazzle, Inc. and Mohamed Alkhatib filed a statement supporting sealing, and Plaintiff filed no response. The district court granted the motion and ordered specified expert reports or portions of reports sealed or redacted.

DISPOSITION

other

CASES CITED

- Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006)
- Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597 & n.7 (1978)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)
- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1099 (9th Cir. 2016)
- Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002)
- Beckman Indus., Inc. v. Int'l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992)
- Regis Metro Assocs., Inc. v. NBR Co., LLC, No. 20-CV-02309-DMR, 2022 WL 267443, at *13 (N.D. Cal. Jan. 28, 2022)
- In re Elec. Arts, 298 F. App'x 568, 569 (9th Cir. 2008)
- Music Grp. Macao Com. Offshore Ltd. v. Foote, 2015 WL 3993147, at *6 (N.D. Cal. June 30, 2015)
- In re Google Location Hist. Litig., 514 F. Supp. 3d 1147, 1162 (N.D. Cal. 2021)
- U.S. Ethernet Innovations, LLC v. Acer, Inc., 2014 WL 7387206, at *1 (N.D. Cal. Dec. 19, 2014)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 NORTHERN DISTRICT OF CALIFORNIA 5
SAN JOSE DIVISION 6 7 NICKY LAATZ, et al., Case No. 22-cv-04844-BLF 8 Plaintiffs,
ORDER GRANTING PLAINTIFF'S 9 v. ADMINISTRATIVE MOTION TO CONSIDER
WHETHER ANOTHER 10 ZAZZLE, INC., et al., PARTY'S MATERIAL SHOULD BE
SEALED 11 Defendants. [Re: ECF No. 397] 12 13 Before the Court is Plaintiff Nicky Laatz's
("Plaintiff") Administrative Motion to Consider 14 Whether Another Party's Material Should be
Sealed.

ECF 397. Defendants Zazzle Inc. ("Zazzle") 15 and Mohamed Alkhatib's (collectively,
"Defendants") filed a statement in support of sealing the 16 materials identified in Plaintiff's
motion. ECF 407. Plaintiff did not submit any response to 17 Defendants' statement in support of
sealing. 18 For the reasons stated below, the Court GRANTS the motion. 19 I. LEGAL
STANDARD 20 "Historically, courts have recognized a 'general right to inspect and copy public
records and 21 documents, including judicial records and documents.'" Kamakana v. City & Cty.
of Honolulu, 447 22 F.3d 1172, 1178 (9th Cir.

2006) (quoting Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597 & 23 n.7 (1978)).
Accordingly, when considering a sealing request, "a 'strong presumption in favor of 24 access' is
the starting point." Id. (quoting Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 25 1135
(9th Cir. 2003)). Parties seeking to seal judicial records relating to motions that are "more than 26

tangentially related to the underlying cause of action,” bear the burden of overcoming the 27 presumption with “compelling reasons supported by specific factual findings that outweigh the 1 Chrysler Grp., LLC, 809 F.3d 1092, 1099 (9th Cir.

2016); Kamakana, 447 F.3d at 1178–79. 2 Records attached to motions that are “not related, or only tangentially related, to the merits 3 of a case,” however, are not subject to the strong presumption of access. Ctr. for Auto Safety, 809 4 F.3d at 1099; see also Kamakana, 447 F.3d at 1179 (“[T]he public has less of a need for access to 5 court records attached only to non-dispositive motions because those documents are often unrelated, 6 or only tangentially related, to the underlying cause of action.” (internal quotations omitted)).

Parties 7 moving to seal the documents attached to such motions must meet the lower “good cause” standard 8 of Rule 26(c). Kamakana, 447 F.3d at 1180. This standard requires a “particularized showing,” id., 9 that “specific prejudice or harm will result” if the information is disclosed. Phillips ex rel. Estates 10 of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210–11 (9th Cir.

2002); see Fed. R. Civ. P. 26(c). 11 “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not 12 suffice. Beckman Indus., Inc. v. Int’l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992). 13 In addition, in this district, all parties requesting sealing must comply with Civil Local Rule 14 79-5. That rule requires, inter alia, the moving party to provide “the reasons for keeping a document 15 under seal, including an explanation of: (i) the legitimate private or public interests that warrant 16 sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative 17 to sealing is not sufficient.” Civ.

L.R. 79-5(c)(1). Further, Civil Local Rule 79-5 requires the moving 18 party to provide “evidentiary support from declarations where necessary.” Civ. L.R. 79-5(c)(2). And 19 the proposed order must be “narrowly tailored to seal only the sealable material.” Civ. L.R. 79- 20 5(c)(3). 21 II. DISCUSSION 22 Because the sealing motion concerns material submitted in support of Plaintiff’s Motion to 23 Exclude Testimony of Defendants’ Experts, the Court will apply the “compelling reasons” standard.

24 See Regis Metro Assocs., Inc. v. NBR Co., LLC, No. 20-CV-02309-DMR, 2022 WL 267443, at *13 25 (N.D. Cal. Jan. 28, 2022). 26 Plaintiff’s sealing motion identifies certain portions of expert reports contain confidential 27 information designated by Defendants. ECF 397. Defendants request the sealing of all portions 1 confidential information “contain confidential information relating to the operation of Zazzle’s 2 proprietary Design Tool; specific figures of Zazzle’s numbers of designs and users; and details of 3 Zazzle’s sales, revenues, and expenses.” ECF 407 at 2.

4 The Court agrees with Defendants as to their unopposed redactions in those expert reports. 5 The Court finds that Defendants have established compelling reasons to seal information that would 6 reveal confidential information about Zazzle’s internal technical operations and commercially 7 sensitive information. See, e.g., *In re Elec. Arts*, 298 F. App’x. 568, 569 (9th Cir.

2008) (finding 8 compelling reasons for sealing “business information that might harm a litigant’s competitive 9 strategy”); *Music Grp. Macao Com. Offshore Ltd. v. Foote*, 2015 WL 3993147, at *6 (N.D. Cal. 10 June 30, 2015) (“[T]he Court finds a compelling reason to seal the portions of this exhibit that 11 discuss Plaintiff’s network infrastructure and security systems.”); *In re Google Location Hist.*

Litig., 12 No. 5:18-cv-05062-EJD, 514 F. Supp. 3d 1147, 1162 (N.D. Cal. Jan. 25, 2021) (“Compelling 13 reasons may exist to seal ‘trade secrets, marketing strategies, product development plans, detailed 14 product-specific financial information, customer information, internal reports[.]’”) (citation 15 omitted); *U.S. Ethernet Innovations, LLC v. Acer, Inc.*, No. C 10-3724 CW, 2014 WL 7387206, at 16 *1 (N.D.

Cal. Dec. 19, 2014) (granting motion to seal references to “confidential customer lists, 17 business practices and testing procedures”). Additionally, the Court finds Zazzle’s sealing requests 18 to be narrowly tailored so that there is no less restrictive alternative to redacting the information at 19 issue. 20 // 21 // 22 // 23 // 24 // 25 // 26 // 27 // Il.

ORDER For the foregoing reasons, IT IS HEREBY ORDERED that: 3 to Seal ECF 399-4 (ECF | Ex. 3 to Mathews Decl., Entire Document GRANTED for 4 397-2) Expert Report of Dominic containing confidential Persechini information relating to 5 Zazzle’s sales, revenues, expenses, 6 and numbers of users. Larson Decl. 4-5 7 ECF 399-7 (ECF | Ex. 6 to Mathews Decl., Redacted portions on | GRANTED for 397-3) Rebuttal Report of pages 34, 42, 44- 45, | containing confidential 8 Christopher Rucinski 48-50. information relating to details of the technical 9 operation of Zazzle’s proprietary Design 10 Tool and details of the number of Zazzle’s 11 users and designs.

Larson Decl. [| 4-5. ECF 399-8 (ECF | Ex. 7 to Mathews Decl., Entire Document GRANTED for 13 397-4) Expert Report of Jeffrey containing confidential Kinrich information relating to 14 Zazzle’s sales, revenues, expenses, 15 and numbers of users. Larson Decl. [| 4-5. Q 16 17 Dated: August 28, 2025 19 H LABSON FREEMAN United States District Judge 21 22 23 24 25 26 27 28