

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 Northern District of California partially granted and partially denied Defendants’ administrative motion to seal materials filed in connection with a Daubert motion. The Court denied sealing for information previously publicly disclosed or not sought to be sealed by Plaintiff, but granted sealing for narrowly tailored confidential business information concerning Zazzle’s operations, users, products, sales, revenues, expenses, and damages calculations.

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 IN PART AND DENYING IN PART DEFENDANTS’ 9 v.
ADMINISTRATIVE MOTION TO FILE UNDER SEAL AND TO CONSIDER 10 ZAZZLE,
INC., et al., WHETHER ANOTHER PARTY’S MATERIAL SHOULD BE SEALED 11
Defendants.

[Re: ECF No. 396] 12 13 Before the Court are Defendants Zazzle Inc. (“Zazzle”) and Mohamed
Alkhatib’s 14 (collectively, “Defendants”) Administrative Motion to File Under Seal and To
Consider Whether 15 Another Party’s Material Should be Sealed. ECF 396. Plaintiff Nicky Laatz
(“Plaintiff”) filed 16 sealing statement opposing Defendants’ administrative motion.

ECF 408. For the reasons stated below, the Court GRANTS IN PART and DENIES IN PART the
motion. 17 18 I. LEGAL STANDARD “Historically, courts have recognized a ‘general right to
inspect and copy public records and 19 documents, including judicial records and documents.’”
Kamakana v. City & Cty. of Honolulu, 447 20 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v.
Warner Commc’ns, Inc., 435 U.S. 589, 597 & 21 n.7 (1978)).

Accordingly, when considering a sealing request, “a ‘strong presumption in favor of 22 access’ is
the starting point.” Id. (quoting Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 23 1135
(9th Cir. 2003)). Parties seeking to seal judicial records relating to motions that are “more than 24
tangentially related to the underlying cause of action,” bear the burden of overcoming the 25
presumption with “compelling reasons supported by specific factual findings that outweigh the 26
general history of access and the public policies favoring disclosure.” Ctr. for Auto Safety v. 27 1

Records attached to motions that are “not related, or only tangentially related, to the merits 2 of a case,” however, are not subject to the strong presumption of access.

Ctr. for Auto Safety, 809 3 F.3d at 1099; see also *Kamakana*, 447 F.3d at 1179 (“[T]he public has less of a need for access to 4 court records attached only to non-dispositive motions because those documents are often unrelated, 5 or only tangentially related, to the underlying cause of action.” (internal quotations omitted)). Parties 6 moving to seal the documents attached to such motions must meet the lower “good cause” standard 7 of Rule 26(c).

Kamakana, 447 F.3d at 1180. This standard requires a “particularized showing,” *id.*, 8 that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex rel. Estates* 9 of *Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002); see Fed. R. Civ. P. 26(c). 10 “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not 11 suffice.

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

L.R. 79-5(c)(1). Further, Civil Local Rule 79-5 requires the moving 17 party to provide “evidentiary support from declarations where necessary.” Civ. L.R. 79-5(c)(2). And 18 the proposed order must be “narrowly tailored to seal only the sealable material.” Civ. L.R. 79- 19 5(c)(3). 20 II. DISCUSSION 21 Because the sealing motion concerns Defendants’ Motion to Exclude Testimony of 22 Plaintiff’s Designated Expert Witness at ECF 398 (“Daubert Motion”), the Court will apply the 23 “compelling reasons” standard.

See *Regis Metro Assocs., Inc. v. NBR Co., LLC*, No. 20-CV-02309- 24 DMR, 2022 WL 267443, at *13 (N.D. Cal. Jan. 28, 2022). 25 Defendants filed an administrative motion to file under seal and to consider whether another 26 party’s material should be sealed in connection with their Daubert Motion. ECF 396. Plaintiff filed 27 a response indicating that she does not request sealing of the information identified by Defendants 1 The Court addresses each sealing request in turn.

2 A. Materials that Defendants Identified as Containing Confidential Information Designated by Plaintiff— Exhibits R1 and R2 to the Declaration of Thomas 3 Nolan and Redactions at Page 22 of Defendants’ Daubert Motion. 4 The Court first considers the redactions identified by Defendants as containing confidential 5 information designated by Plaintiff. See ECF 396 at 4.

In Plaintiff’s opposition, Plaintiff clarified 6 that she “[does] not request the sealing of the documents.” ECF 408 at 1. Accordingly, the Court 7 DENIES Defendants’ motion to seal Exhibits

R1 and R2 to the Declaration of Thomas Nolan, and 8 the redactions at page 22 of Defendants' Daubert Motion. 9 B. Materials that Defendants Request Sealing—Redactions at Pages 12-14, 19-21, and 23 of Defendants' Daubert Motion and Exhibits G, I, J, K, O, P and Q to the 10 Declaration of Thomas Nolan.

11 The Court next considers the redactions that Defendants request sealing. See ECF 396 at 2- 12 3. Plaintiff opposes the sealing of these redactions. ECF 408 at 1-2. 13 The Court addressed the parties' requests below. 14 i. Redactions on Page 12 of Defendants' Daubert Motion and Exhibits G, I, and J 15 to the Declaration of Thomas Nolan. 16 Defendants argue that the redactions on Page 12 of their Daubert Motion and Exhibits G, I, 17 and J to the Declaration of Thomas Nolan contain confidential information relating to details of the 18 technical operation of Zazzle's proprietary Design Tool and of Zazzle's servers.

ECF 396 at 2-3; 19 ECF 396-1 ¶¶ 4-5. In response, Plaintiff argues that the information is not confidential because it 20 has "already been made public as a result of the Court's order on a prior sealing motion." ECF 408 21 at 1 (citing ECF 396-2, 396-8, 396-11, 396-1, ECF 382). 22 The Court finds that Defendants have failed to provide compelling reasons for their request 23 to seal Page 12 of Defendants' Daubert Motion and Exhibits G, I, and J to the Declaration of Thomas 24 Nolan.

The requested redaction contains information about Zazzle's proprietary Design Tool and of 25 Zazzle's servers and the information has been previously publicly disclosed on this docket. See ECF 26 382. Thus, Court DENIES the motion to seal as to the redactions on Page 12 of Defendants' Daubert 27 Motion and Exhibits G, I, and J to the Declaration of Thomas Nolan.

See *L.S. v. Henderson*, No. 20- 1 documents that are already publicly available elsewhere."). 2 C. Redactions at Pages 13-14, 19-21, and 23 of Defendants' Daubert Motion and Exhibits K, O, P and Q to the Declaration of Thomas Nolan. 3 Defendants argue that the redacted portions at Pages 13-14, 19-21, and 23 of their Daubert 4 Motion and exhibits K, O, P and Q to the Declaration of Thomas Nolan "contain confidential 5 information relating to the operation of Zazzle's proprietary Design Tool; specific figures of 6 Zazzle's numbers of designers, designs, products, and users; and details of Zazzle's sales, revenues, 7 and expenses." ECF 396 at 3.

In her opposition, Plaintiff argues that Defendants have failed "to 8 make the evidentiary showing necessary to support sealing." ECF 408 at 2. Additionally, Plaintiff 9 argues that the materials contain "general terms" that do not warrant sealing. *Id.* at 2-3. 10 Applying the legal standard set forth above, the Court finds Defendants have provided 11 compelling reasons to seal redacted portions at Pages 13-14, 19-21, and 23 of their Daubert Motion 12 and exhibits K, O, P and Q to the Declaration of Thomas Nolan.

See, e.g., *In re Elec. Arts*, 298 F. 13 App'x. 568, 569 (9th Cir. 2008) (finding compelling reasons for sealing "business information that 14 might harm a litigant's competitive strategy"); *Music Grp. Macao Com. Offshore Ltd. v. Foote*, 15 2015 WL 3993147, at *6 (N.D. Cal. June 30, 2015) ("[T]he Court finds a compelling reason to seal 16 the portions of this exhibit that discuss Plaintiff's network infrastructure and security systems."); *In re Google Location Hist.*

Litig., 514 F. Supp. 3d 1147, 1162 (N.D. Cal. Jan. 25, 2021) ("Compelling 18 reasons may exist to seal 'trade secrets, marketing strategies, product development plans, detailed 19 product-specific financial information, customer information, internal reports[.]'" (citation 20 omitted).

The Court finds that these documents contain confidential business information regarding 21 Zazzle's designers, designs, products, sales, revenues, expenses, and numbers of users that, if 22 publicly disclosed, would cause Zazzle competitive harm. See *OpenTV, Inc. v. Apple, Inc.*, No. 14- 23 CV-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015) (finding good cause to seal 24 information relating to a company's internal process).

On that basis, the Court GRANTS 25 Defendants' request to seal this narrowly tailored information contained at the redacted portions at 26 Pages 13-14, 19-21, and 23 of their Daubert Motion and exhibits K, O, P and Q to the Declaration 27 of Thomas Nolan. III. ORDER 1 For the foregoing reasons, IT IS HEREBY ORDERED that: 2 ECF Document Portion(s) Requested Ruling to Seal 3 ECF 398/(ECF Defendants' Motion to Redactions at Pages GRANTED as to 396-2) Exclude Testimony of 12-14, 19-21, 22 and redactions at Pages 13- 4 Plaintiff's Designated 23.

14, 19-21, and 23 Expert Witness for containing details 5 of the operation of Zazzle's proprietary 6 Design Tool. Numbers of users and products 7 sold. Figures for Zazzle's revenues and 8 figures and details for Zazzle's expenses, and 9 the resulting damages calculations. Larson 10 Decl. ¶¶ 4-5; DENIED as to redactions at Page 11 12 because the information has been 12 previously publicly disclosed on this 13 docket; and DENIED as to redactions at Page 14 22 because Plaintiff does not request 15 sealing.

16 ECF 398-8/(ECF Ex. G to Nolan Decl., Entire Document DENIED because the 396-3) Expert Report of Daniel information has been 17 Garrie previously publicly disclosed on this 18 docket. 19 ECF 398-10/(ECF Ex. I to Nolan Decl., Redacted portions on DENIED because the 396-4) Excerpts of the deposition page 122, as reflected information has been 20 transcript of Jason Li, dated in red highlighting on previously publicly July 17, 2024 Ex. I. disclosed on this 21 docket.

ECF 398-11/(ECF Ex. J to Nolan Decl., Redacted portions on DENIED because the 22 396-5) Excerpts of the deposition pages 40-43, as information has been transcript of Bobby Beaver, reflected in red previously publicly 23 dated April 5, 2023 highlighting on Ex. J. disclosed on this docket. 24 ECF 398-12/(ECF Ex. K to Nolan Decl., Entire Document GRANTED for 25 396-6)

Excerpts of Zazzle's containing confidential Amended Responses and information relating to 26 Objections to Plaintiff's the numbers of Interrogatories designers, designs, 27 products, and users on Zazzle.

Larson Decl. ¶¶ □□□ Seal 1 to Seal 2 ECF 398-16/(ECF | Ex. O to Nolan Decl., Entire Document GRANTED for 396-7) Expert Report of Dominic containing confidential 3 Persechini information relating to Zazzle's sales, 4 revenues, expenses, and numbers of users. 5 Larson Decl. [4-5. ECF 398-17/CECF | Ex. P to Nolan Decl., Redacted portions on | GRANTED for 6 396-8) Excerpts of the deposition | page 202, as reflected | containing confidential transcript of Dominic in red highlighting on | information on the 7 Persechini, dated Ex. P. number of Zazzle's 3 November 7, 2024 users.

Larson Decl. □□□ 4-5, 9 ECF 398-18/(ECF | Ex. Q to Nolan Decl., Entire Document GRANTED for 396-9) Expert Report of Jeffrey containing confidential 10 Kinrich information relating to Zazzle's sales, 11 revenues, expenses, and numbers of users. 12 Larson Decl. [4-5. 13 ECF 398-19/(ECF | Ex. R1 to Nolan Decl., Entire Document DENIED as because 396-10) Excerpts of the deposition Plaintiff does not 14 transcript of Nicky Laatz, request sealing. dated August 1, 2024.

15 ECF 398-20/(ECF | Ex. R2 to Nolan Decl., Entire Document DENIED as because 2 396-11) LAATZ05 16563, which Plaintiff does not 16 appears to be an email request sealing. exchange between Nicky 17 Laatz and a representative of Minted Z 18 19 20 Dated: August 28, 2025 22 fi FREEMAN 3 United States District Judge 24 25 26 27 28