

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Gordoa v. Apple, Inc.

Gordoa · No. 3:22-cv-02900-JSC · Decided April 28, 2025

SUMMARY

The United States District Court for the Northern District of California resolves the parties’ administrative motions to seal materials related to Apple’s motion for summary judgment and motion to exclude a plaintiff’s expert. The court grants Apple’s narrowly tailored sealing requests, denies Plaintiffs’ request to seal all exhibits based only on a protective order, and disposes of Docket Nos. 198, 208, and 213.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
CARLOS GORDOA, et al., Case No. 3:22-cv-02900-JSC 8 Plaintiffs, ORDER RE:
ADMINISTRATIVE 9 v. MOTIONS TO SEAL SUMMARY JUDGMENT AND DAUBERT 10
APPLE, INC., BRIEFING 11 Defendant. Re: Dkt. Nos. 198, 208, 213 12 13 In connection with
the Apple’s motion for summary judgment and motion to exclude 14 Plaintiff’s expert, Dr. Hahn,
the parties filed several motions to seal.

(Dkt. Nos. 198, 208, 213.) 15 This Order resolves those motions. 16 In considering motions to
seal, courts recognize “a strong presumption in favor of access is 17 the starting point.” *Kamakana*
v. City & Cnty. Of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) 18 (cleaned up). Parties seeking
to seal judicial records relating to motions such as this that are 19 “more than tangentially related
to the underlying cause of action,” *Ctr. for Auto Safety v. Chrysler* 20 Grp., 809 F.3d 1092, 1099
(9th Cir.

2016), bear the burden of overcoming the presumption with 21 “compelling reasons supported by
specific factual findings that outweigh the general history of 22 access and the public policies
favoring disclosure, such as the public interest in understanding the 23 judicial process,”
Kamakana, 447 F.3d at 1178–79 (cleaned up). A request to seal may be 24 supported by
compelling reasons if the documents or portions of documents at issue are “sources 25 of business
information that might harm a litigant’s competitive standing.” *Ctr. for Auto Safety*, 26 809 F.3d at
1097 (citation omitted); *Nixon*, 435 U.S. at 598.

Designating parties moving to seal 27 their own or another party’s materials must comply with
Civil Local Rule 79-5. The rule 1 03041-JSC, 2023 WL 3168322, at *5 (N.D. Cal. Apr. 17, 2023).

2 Apple seeks sealing of portions of Exhibits A and C, and all of Exhibit B submitted with 3 its motion for summary judgment and motion to exclude Plaintiffs' causation opinion.

(Dkt. No. 4 198.) Apple contends sealing is proper because the documents contain "sensitive business 5 information" including information regarding Apple's safety testing protocols, and the scope 6 nature, and timing of Apple product testing. (Dkt. No. 198-1 at ¶¶ 4-5.) Apple has met its burden 7 of demonstrating sealing of the limited portions of these documents is appropriate and its motion 8 is GRANTED.

9 Plaintiffs seek sealing of all 22 exhibits to their opposition to Apple's motion for summary 10 judgment and motion to exclude in their entirety. (Dkt. No. 208.) Plaintiffs only statement in 11 support of sealing is that the documents "contain confidential information that are protected under 12 the parties' Agreed Protective Order." (Id. at 2.) There is a presumption of public access to 13 judicial records and documents.

Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597 (1978). 14 "Reference to a stipulation or protective order that allows a party to designate certain documents 15 as confidential is not sufficient to establish that a document, or portions thereof, are sealable." 16 Civil L.R. 79-5(c). Parties' requests must be "narrowly tailored to seal only the sealable material." 17 Id. at 79-5(c) (3).

Requests need to include "a specific statement" with the reasons for keeping a 18 document under seal and explain the interests warranting sealing, the injury that will result without 19 sealing, and why a less restrictive alternative is not sufficient. Id. at 79- 5(c)(1). Plaintiffs' 20 motion is DENIED. 21 Apple filed a more narrowly tailored request seeking sealing of portions of Exhibits 12, 22 13, 14, and 15, to Plaintiffs' opposition.

(Dkt. No. 213.) Apple contends these documents are 23 sealable because they contain Apple's sensitive business information including discussions of 24 Apple's proprietary and confidential source code. (Dkt. No. 213-1 at ¶¶ 4, 5.) Apple has met its 25 burden of demonstrating sealing of the limited portions of these documents is appropriate and its 26 motion is GRANTED.

27 // 1 This Order disposes of Docket Nos. 198, 208, 213. 2 3 IT IS SO ORDERED. 4 Dated: April 28, 2025 5 ' ne 6 JACQUELINE SCOTT CORL 7 United States District Judge 8 9 10 ll a 12 13 14 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28