

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

OPINION

Gordoa v. Apple, Inc.

PER CURIAM.

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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 of demonstrating sealing of the limited portions of these documents is appropriate and its motion is GRANTED. Plaintiffs seek sealing of all 22 exhibits to their opposition to Apple's motion for summary judgment and motion to exclude in their entirety. (Dkt. No. 208.) Plaintiffs only statement in support of sealing is that the documents "contain confidential information that are protected under the parties' Agreed Protective Order." (Id. at 2.) There is a presumption of public access to judicial records and documents. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). "Reference 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." 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 document under seal and explain the interests warranting sealing, the injury that will result without sealing, and why a less restrictive alternative is not sufficient. Id. at 79- 5(c)(1). Plaintiffs' 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 sealable because they contain Apple's sensitive business information including discussions of Apple's proprietary and confidential source code. (Dkt. No. 213-1 at ¶¶ 4, 5.) Apple has met its burden of demonstrating sealing of the limited portions of these documents is appropriate and its 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