

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Miholich v. The Real Brokerage, Inc., et al.

Miholich · No. 24-cv-01038-AGS-JLB · Decided June 5, 2025

SUMMARY

The United States District Court for the Southern District of California granted Plaintiff Kyle Miholich’s application to file under seal documents submitted in connection with a motion to compel further subpoena responses from non-party Lofty, Inc. The court found good cause based on the inclusion of confidential business information and denied as moot a prior motion to seal.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Jill L. Burkhardt
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 5, 2025
DOCKET	24-cv-01038-AGS-JLB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff applied to file under seal documents submitted in connection with a motion to compel further subpoena responses from nonparty Lofty, Inc.
STANDARD OF REVIEW	The court applied the good-cause standard for sealing confidential material.
PRECEDENTIAL VALUE	Unknown
PARTIES	Kyle Miholich v. The Real Brokerage, Inc., et al.

TOPICS

- civil procedure
- discovery dispute
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause to file under seal documents containing confidential business information.

HOLDINGS

1. Good cause was established to seal the documents containing confidential business information, so the court granted Plaintiff's application to file under seal.

KEY QUOTATIONS

"Given the confidential business information included in the documents, the Court finds that good cause has been established for sealing." (1)

"Accordingly, the Clerk of Court is DIRECTED to file under seal Plaintiff's unredacted Motion to Compel Further Responses from Non-Party Lofty, Inc. to Subpoena including Exhibit C (TRB00001—46) and Exhibit D (TRB00166—86)." (1)

FACTUAL BACKGROUND

Plaintiff sought to file under seal documents submitted with a redacted motion to compel further responses from nonparty Lofty, Inc. to a subpoena. The documents contained confidential business information. The court found that good cause supported sealing the materials.

PROCEDURAL HISTORY

Plaintiff filed an application to seal certain documents associated with a redacted motion to compel further responses from nonparty Lofty, Inc. Plaintiff had previously filed a motion to seal documents marked confidential and to file a redacted motion. The court granted the new application and denied the earlier motion as moot.

DISPOSITION

other

CASES CITED

- *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)

OPINION

Miholich v. The Real Brokerage, Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 KYLE MIHOLICH, individually and on Case No.: 24-cv-01038-AGS-JLB behalf of all
others similarly situated, 12

ORDER GRANTING PLAINTIFF'S

Plaintiff,

13 APPLICATION TO FILE UNDER

v. SEAL 14 THE REAL BROKERAGE, INC., et al., 15 [ECF No. 66] Defendants. 16 17 18 19
Before the Court is Plaintiff Kyle Miholich's ("Plaintiff") Application to File Under 20 Seal
("Motion to Seal"). (ECF No. 66.) Plaintiff seeks to file under seal certain documents 21 submitted
in connection with its redacted Motion to Compel Further Responses from Non- 22 Party Lofty,
Inc. to Subpoena (ECF No. 40). Given the confidential business information 23 included in the
documents, the Court finds that good cause has been established for 24 sealing. *Kamakana v. City
and Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). 25 Good cause appearing, the Court
GRANTS Plaintiff's Motion to Seal (ECF No. 66) and 26 DENIES AS MOOT Plaintiff's previous
Motion to Seal Documents Marked Confidential 27 and to File Redacted Motion (ECF No. 38). 28
/// 1 || Accordingly, the Clerk of Court is DIRECTED to file under seal Plaintiff's unredacted 2
||Motion to Compel Further Responses from Non-Party Lofty, Inc. to Subpoena including 3 ||
Exhibit C (TRB00001—46) and Exhibit D (TRB00166—86). (ECF No. 67.) 4 IT IS SO
ORDERED. 5 ||Dated: June 5, 2025 - n. Jill L. Burkhardt 7 ited States Magistrate Judge 8 9 10 11
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28