

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Google LLC v. LATAM Airlines Group S.A. Inc.

No. 25-cv-04984-BLF (N.D. Cal. July 2, 2025) · No. 25-cv-04984-BLF · Decided July 2, 2025

SUMMARY

The United States District Court for the Northern District of California grants Google LLC’s administrative motion to file materials under seal in connection with its motion to expedite a preliminary-injunction hearing. Applying the good-cause standard, the court permits sealing of an unpublished Brazilian Superior Court of Justice removal order and quotations from that order because public filing could expose Google to penalties and no less restrictive alternative was adequate.

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	July 2, 2025
DOCKET	25-cv-04984-BLF
DISPOSITION	other
PROCEDURAL POSTURE	Google LLC moved administratively to file under seal materials submitted in connection with its motion to expedite the hearing on its motion for a preliminary injunction.
STANDARD OF REVIEW	Good cause under Federal Rule of Civil Procedure 26(c), together with the requirements of Northern District of California Civil Local Rule 79-5.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

TOPICS

- civil procedure
- commercial litigation
- injunctions

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether Google established good cause to seal an unpublished Brazilian court order and quotations from that order filed in connection with a non-dispositive motion to expedite a hearing.
2. Whether the requested sealing was narrowly tailored under the applicable federal and local sealing standards.

HOLDINGS

1. Materials filed in connection with the motion to expedite the hearing on Google's preliminary-injunction motion were subject to the lower good-cause standard rather than the compelling-reasons standard because the motion was not more than tangentially related to the merits of the underlying action.
2. Google established good cause to seal the unpublished Brazilian court order and the quotations from that order because disclosure could subject Google to fines or penalties under the practices of the Superior Court of Justice in Brazil.
3. The requested sealing was narrowly tailored because it limited sealing to the quoted portions of the motion to expedite and the entire unpublished Brazilian order, and the court found no less restrictive alternative sufficient to protect the information.

KEY QUOTATIONS

“Accordingly, when considering a sealing request, “a ‘strong presumption in favor of access’ is the starting point.”” (at 1)

“This standard requires a “particularized showing,” id., that “specific prejudice or harm will result” if the information is disclosed.” (at 2)

FACTUAL BACKGROUND

Google sought to seal an unpublished order issued by the Superior Court of Justice in Brazil and approximately seven lines quoting that order in Google's motion to expedite a preliminary-injunction hearing. Google represented that public disclosure could expose it to fines or penalties for publishing an unpublished order, and the defendants did not oppose sealing.

PROCEDURAL HISTORY

Google filed an administrative motion to seal an unpublished Brazilian removal order and quotations from that order. LATAM Airlines Group S.A. Inc. and TAM Linhas Aereas S.A. did not oppose the motion. The court applied the good-cause standard and granted the requested sealing and redactions.

DISPOSITION

other

CASES CITED

- *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)
- *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 & n.7 (1978)
- *Foltz v. State Farm Mutual Automobile Insurance Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)
- *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1099-1101 (9th Cir. 2016)
- *Phillips ex rel. Estates of Byrd v. General Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002)
- *Beckman Industries, Inc. v. International Insurance Co.*, 966 F.2d 470, 476 (9th Cir. 1992)
- *Kumandan v. Google LLC*, No. 19-CV-04286-BLF, 2022 WL 1501017, at *1 (N.D. Cal. May 12, 2022)
- *D.C. v. County of San Diego*, Case No. 15-cv-1868-MMA (NLS), 2021 WL 4428880, at *2-3 (S.D. Cal. Sept. 24, 2021)

OPINION

Google LLC v. LATAM Airlines Group S.A. Inc.

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 SAN JOSE DIVISION

6 7 GOOGLE LLC, Case No. 25-cv-04984-BLF 8 Plaintiff,

ORDER GRANTING PLAINTIFF'S

9 v. ADMINISTRATIVE MOTION TO FILE

UNDER SEAL

10 LATAM AIRLINES GROUP S.A. INC., et

al., [Re: ECF No. 18] 11 Defendants. 12 13 Before the Court is Plaintiff Google LLC's ("Plaintiff") Administrative Motion to File Under 14 Seal, filed in connection with its Administrative Motion to Expedite Hearing for its Motion for 15 Preliminary Injunction at ECF 17. ECF 18. On July 1, 2025, Defendants LATAM Airlines Group 16 S.A. Inc. and TAM Linhas Aereas S.A. (collectively, "Defendants") filed a response stating that 17 they do not oppose Plaintiff's Motion to Seal. ECF 23. 18 Having reviewed Plaintiff's Defendants' submissions and applicable sealing law, the Court 19 GRANTS Plaintiff's requests to seal.

20 I. LEGAL STANDARD

21 "Historically, courts have recognized a 'general right to inspect and copy public records and 22 documents, including judicial records and documents.'" *Kamakana v. City & Cty. of Honolulu*, 447 23 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & 24 n.7 (1978)). Accordingly, when considering a sealing request, "a 'strong presumption in favor of 25 access' is the starting point." *Id.* (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 26 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to motions that are "more 27 than tangentially related to the underlying cause of action" bear the burden of overcoming the 1 policies favoring disclosure. *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d

1092, 1100–01 (9th

2 Cir. 2016); *Kamakana*, 447 F.3d at 1178–79.

3 Records attached to motions that are “not related, or only tangentially related, to the merits 4 of a case,” however, are not subject to the strong presumption of access. *Ctr. for Auto Safety*, 809 5 F.3d at 1099; see also *Kamakana*, 447 F.3d at 1179 (“[T]he public has less of a need for access to 6 court records attached only to non-dispositive motions because those documents are often unrelated, 7 or only tangentially related, to the underlying cause of action.” (internal quotations omitted)). 8 Parties moving to seal the documents attached to such motions must meet the lower “good cause” 9 standard of Rule 26(c). *Kamakana*, 447 F.3d at 1180. This standard requires a “particularized 10 showing,” *id.*, that “specific prejudice or harm will result” if the information is disclosed. *Phillips 11 ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002); see Fed. R. 12 Civ. P. 26(c). “Broad allegations of harm, unsubstantiated by specific examples of articulated 13 reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992). 14 In addition, in this district, all parties requesting sealing must comply with Civil Local Rule 15 79-5. That rule requires, *inter alia*, the moving party to provide “the reasons for keeping a document 16 under seal, including an explanation of: (i) the legitimate private or public interests that warrant 17 sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative 18 to sealing is not sufficient.” Civ. L.R. 79-5(c)(1). Further, Civil Local Rule 79-5 requires the 19 moving party to provide “evidentiary support from declarations where necessary.” Civ. L.R. 79- 20 5(c)(2). And the proposed order must be “narrowly tailored to seal only the sealable material.” Civ. 21 L.R. 79-5(c)(3).

22 II. DISCUSSION

23 Because the sealing motion concerns Plaintiff’s Administrative Motion to Expedite Hearing, 24 the Court will apply the “good cause” standard. See *Kumandan v. Google LLC*, No. 19-CV-04286-25 BLF, 2022 WL 1501017, at *1 (N.D. Cal. May 12, 2022) (applying “good cause” standard for a 26 motion regarding schedule). 27 The material under consideration for sealing concerns: 1) Exhibit A, which is an unpublished 1 Removal Order, and 2) about seven lines of quotes of Exhibit A from Plaintiff’s Administrative 2 || Motion to Expedite Hearing. Plaintiff argues that it “will be harmed because it may be subject to 3 penalty by the Superior Court of Justice for publishing an unpublished order.” ECF 18 at 3. 4 The Court finds that Plaintiff has established good cause to seal the order that has not been 5 published by another Court. See *D.C. v. Cty. of San Diego*, Case No. 15-cv-1868-MMA (NLS), 6 || 2021 WL 4428880, at *2-3 (S.D. Cal. Sept. 24, 2021) (granting motion to seal records filed under 7 seal at juvenile court). Additionally, the Court finds Zazzle’s sealing requests to be narrowly tailored 8 so that there is no less restrictive alternative to redacting the information at issue.

9 II. ORDER

10 For the foregoing reasons, the Court ORDERS redactions as outlined in the below chart. Sealed = 12 ECF 17 Google LLC’s Highlighted portions of GRANTED because these (ECF 18-2)

[Administrative page 3:3-9 portions of the Motion to Expedite 13 Motion to Expedite quote from Exhibit A, which the Hearing on Google Superior Court of Justice in Brazil 14 LLC's Motion for did not publish this order, thus it is 5 Preliminary not available for public review. If = Injunction Google were forced to file quotes 16 from Exhibit A publicly, it may be subject to fines and penalties for = 17 violating the rules and practices of the Superior Court of Justice. 4 18 || ECF17-2 (Order by the Third | Entire document GRANTED because the 19 (ECF 18-3) [Panel of the Superior Superior Court of Justice did not Court of Justice in publish this order, thus it is not 20 Brazil available for public review. If Google were forced to file 21 Exhibit A publicly, it may be subject to fines and penalties for 22 violating the rules and practices 3 of the Superior Court of Justice. 24 45 Dated: July 2, 2025

ETH LABSON FREEMAN

27 United States District Judge 28