

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 Applying the good-cause standard, the court permits sealing of an unpublished Brazilian Superior Court of Justice removal order and quotations from that order because public filing could expose Google to penalties and no less restrictive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.

OPINION

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 of a case,” however, are not subject to the strong presumption of access. *Ctr. for Auto Safety*, 809 F.3d at 1099; see also *Kamakana*, 447 F.3d at 1179 (“[T]he public has less of a need for access to court records attached only to non-dispositive motions because those documents are often unrelated, or only tangentially related, to the underlying cause of action.” (internal quotations omitted)).

Parties moving to seal the documents attached to such motions must meet the lower “good cause” standard of Rule 26(c). *Kamakana*, 447 F.3d at 1180. This standard requires a “particularized showing,” *id.*, that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir.

2002); see Fed. R. Civ. P. 26(c). “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992). In addition, in this district, all parties requesting sealing must comply with Civil Local Rule 79-5. That rule requires, *inter alia*, the moving party to provide “the reasons for keeping a document under seal, including an explanation of: (i) the legitimate private or public interests that warrant sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative to sealing is not sufficient.” Civ.

L.R. 79-5(c)(1). Further, Civil Local Rule 79-5 requires the moving party to provide “evidentiary support from declarations where necessary.” Civ. L.R. 79-5(c)(2). And the proposed order must be “narrowly tailored to seal only the sealable material.” Civ. L.R. 79-5(c)(3). II. DISCUSSION Because the sealing motion concerns Plaintiff’s Administrative Motion to Expedite Hearing, 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 motion regarding schedule). The material under consideration for sealing concerns: 1) Exhibit A, which is an unpublished Removal Order, and 2) about seven lines of quotes of Exhibit A from Plaintiff’s Administrative Motion to Expedite Hearing.

Plaintiff argues that it “will be harmed because it may be subject to penalty by the Superior Court of Justice for publishing an unpublished order.” ECF 18 at 3. The Court finds that Plaintiff has established good cause to seal the order that has not been published by another Court. See *D.C. v. Cty. of San Diego*, Case No. 15-cv-1868-MMA (NLS), 2021 WL 4428880, at *2-3 (S.D.

Cal. Sept. 24, 2021) (granting motion to seal records filed under seal at juvenile court). Additionally, the Court finds Zazzle’s sealing requests to be narrowly tailored so that there is no

less restrictive alternative to redacting the information at issue. 9 IL. 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