

**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

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