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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC., a Washington
corporation,

Plaintiff,

v.

KNITTING FEVER, INC., a New York
corporation, et al.,

Defendants.

CASE NO. C10-861RSM
ORDER ON PENDING MOTIONS

This matter is before the Court for consideration of plaintiff’s motion for relief from confidentiality designations, together with an associated motion to seal the documents. Dkt. ## 340, 341. Defendant has opposed the motion regarding confidentiality designations but has filed no response to the motion to seal. Having considered the motions and the response, and the balance of the file, the Court now finds and rules as follows:

(1) Motion to Seal (Dkt. # 340)

The underlying motion for relief from confidentiality designations seeks to have the Court “re-designate” certain documents provided by third party Cashmere and Camel Hair Manufacturer’s Institute (“CCMI”) from “highly confidential” to “non-confidential.” Plaintiff has filed copies of the contested documents under seal, together with copies of correspondence between counsel related to this document production. Dkt. # 343. Plaintiff has also filed a motion to maintain these documents under seal, pursuant to Local Rule CR 5(g).

Plaintiff’s motion to seal fails to comply with the requirements of the rule, particularly with regard to a declaration of affidavit providing facts which would justify keeping documents under seal.

1 Local Rule CR 5(g)(4). Plaintiff's motion therefore does not overcome the strong presumption of public
2 access to the Court's files. However, because the Court finds it appropriate to protect the third-party's
3 expectation of privacy in the produced documents themselves, the Court will grant, in part, the motion
4 to seal.

5 Accordingly, it is hereby ORDERED that plaintiff's motion to seal (Dkt. # 340) is GRANTED
6 IN PART and DENIED IN PART. The Clerk shall maintain under seal **Exhibit J** of the Exhibits to the
7 Declaration of Robert Guite, filed on the docket at **Dkt. # 343-9**. This document comprises CCMI's
8 actual document production. The Clerk shall unseal all remaining sections of Dkt. # 343, including the
9 main document (Exhibit A) and Exhibits B through I, filed at Dkt. # 343-1 through 8, within three Court
10 days of this date, unless plaintiff has before that date filed notice that the documents shall be withdrawn.
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12 (2) Motion for Relief from Confidentiality Designation (Dkt. # 341)

13 Plaintiff asks in this motion that the Court strike the designation of "highly confidential" that
14 was applied to all documents provided by third-party CCMI, so that the documents are no longer
15 designated as confidential. CCMI, a non-party to this litigation, has not been able to respond to oppose
16 the motion. The Court has reviewed the documents, provided by plaintiff at Dkt. # 343-9, Exhibit J,
17 and finds that they do not meet the requirements for the "highly confidential" designation set forth in the
18 parties' Protective Order, which is also binding on third parties. Dkt. # 331, ¶ 2(b). However, the Court
19 is mindful of CCMI's concern, expressed in correspondence between counsel, that disclosure of the
20 documents without confidentiality protection may result in their publication on plaintiff's website. Dkt.
21 # 343, Exhibit I. This appears to be a valid concern. Therefore the Court shall GRANT IN PART and
22 DENY IN PART plaintiff's motion. The documents produced by CCMI shall be designated as
23 "confidential" rather than "highly confidential." Pursuant to the protective order, these documents may
24 be used solely for the purposes of this litigation, and may be disclosed only to authorized persons as set
25 forth in ¶6 of the protective order.

26 Dated this 31 day of October 2011.

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RICARDO S. MARTINEZ

UNITED STATES DISTRICT JUDGE

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