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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT JACOBSEN,

Plaintiff,

No. C 06-01905 JSW

v.

MATTHEW KATZER, and KAMIND
ASSOCIATES, INC,

Defendants.

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO SEAL
DECLARATION OF MATTHEW
KATZER**

_____ /

On October 15, 2008, Defendants filed an administrative motion to seal the Declaration of Matthew Katzer, submitted in support of its opposition to the motion for preliminary injunction. The matter is now ripe for consideration.

Northern District Civil Local Rule 79-5 provides, in pertinent part:

No document may be filed under seal, *i.e.*, closed to inspection by the public, except pursuant to a Court order that authorizes the sealing of a particular document, or portions thereof. A sealing order may issue only upon a request that establishes that the document, or portions thereof is privileged or protectable as a trade secret or otherwise entitled to protection under the law [hereinafter referred to as "sealable."] *The request must be narrowly tailored to seek sealing only of sealable material*

N.D. Civ. L.R. 79-5(a) (emphasis added).

Defendants seek to have the Katzer declaration sealed in its entirety. Based upon the Court's review of this declaration, it is clear that at least some of the paragraphs contain information that, on its face, does not appear to be confidential. *See, e.g.*, Katzer Decl. ¶¶ 1-2, 7.

1 Accordingly, the Court DENIES WITHOUT PREJUDICE Defendants' motion to seal.
2 This ruling is without prejudice to Defendants submitting a renewed motion specifically
3 identifying those paragraphs that contain confidential information and to filing in the public
4 record a redacted version of the declaration, omitting *only* that material which is confidential.

5
6 **IT IS SO ORDERED.**

7 Dated: November 5, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE