

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

COMMUNITY ASSOCIATION FOR  
RESTORATION OF THE  
ENVIRONMENT, INC, a Washington  
Non-Profit Corporation; and CENTER  
FOR FOOD SAFETY, INC., a  
Washington, D.C. Non-Profit  
Corporation

Plaintiffs,

v.

COW PALACE, LLC, a Washington  
Limited Liability Company, et al.,

Defendants.

NO: 2:13-CV-3016-TOR

ORDER UNSEALING RECORDS

BEFORE THE COURT is Defendant Cow Palace’s request that certain documents remain sealed or be redacted. ECF No. 314. The Court previously entered a minute order requiring the parties to address why any particular sealed document should remain sealed after the Court rules on the pending summary

1 judgment motions. ECF No. 312. Plaintiffs maintain that all documents should be  
2 unsealed. ECF No. 315. The Court has reviewed the file and is fully informed.

### 3 DISCUSSION

4 To maintain the sealed status of records related to dispositive motions, a  
5 party must show that “compelling reasons” exist to maintain the secrecy of the  
6 records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir.  
7 2006). “Unless a particular court record is one ‘traditionally kept secret,’ a ‘strong  
8 presumption in favor of access’ is the starting point. “ *Id.* at 1178 (quoting *Foltz v.*  
9 *State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). “[T]he  
10 strong presumption of access to judicial records applies fully to dispositive  
11 pleadings, including motions for summary judgment and related attachments.” *Id.*  
12 at 1179 (“[R]esolution of a dispute on the merits . . . is at the heart of the interest in  
13 ensuring the public’s understanding of the judicial process and of significant public  
14 events.”) (internal quotation marks and citation omitted). “The ‘compelling  
15 reasons’ standard is invoked even if the dispositive motion, or its attachments,  
16 were previously filed under seal or protective order.” *Id.* (citation omitted).

17 On the other hand, a “good cause” showing will suffice to seal documents  
18 produced in discovery. *Id.* at 1180. “[This] less exacting ‘good cause’ standard  
19 applies to private materials unearthed during discovery, and to previously sealed  
20 discovery attached to a nondispositive motion.” *Oliner v. Kontrabecki*, 745 F.3d

1 1024, 1026 (9th Cir. 2014) (internal quotation marks and citation omitted). As the  
2 Ninth Circuit has explained, “the public has less of a need for access to [these court  
3 records] because [they] are often unrelated, or only tangentially related, to the  
4 underlying cause of action.” *Id.* (quoting *Kamakana*, 447 F.3d at 1179).

5 Here, Defendant Cow Palace seeks to keep its Dairy Nutrient Management  
6 Plan (“DNMP”) under seal. It contends the DNMP is the “blueprint” of the  
7 Dairy’s operation, including processes that it has developed to increase efficiency  
8 and gain a competitive advantage. ECF No. 314 at 3. The DNMP is central to the  
9 Court’s consideration of the parties’ cross-motions for summary judgment as it  
10 serves as a guide to all aspects of the proper handling of the Dairy’s manure. The  
11 DNMP is also integral to the public’s understanding of the judicial process in this  
12 case. Cow Palace has not shown a compelling reason to keep the DNMP sealed,  
13 and this Court finds nothing in the DNMP that would inform a competitor in order  
14 to gain a competitive advantage. The recipe for the proper handling, storage, and  
15 agronomical application of manure is no secret known only by Cow Palace.

16 Accordingly, Cow Palace’s request is denied to the extent it seeks to keep the  
17 DNMP and other portions of the record citing to the information contained in the  
18 DNMP sealed.

19 Cow Palace also seeks to keep its manure customer lists, sales records, and  
20 milk production records sealed. *Id.* at 4. Cow Palace both sells and gifts manure

1 to third parties. The Court observes that this case does not concern who purchases  
2 manure or how much milk the Dairy produces. These matters can rightfully be  
3 characterized as unrelated to the litigation or only tangentially related at best. *See*  
4 *Oliner*, 745 F.3d at 1026. Accordingly, only “good cause” need be shown to keep  
5 these otherwise private matters sealed. *Id.* Cow Palace has shown economic good  
6 cause to protect its customer lists, sales prices, and milk production records.  
7 However, there is no economic advantage or trade secret associated with the  
8 gifting of manure that deserves protection. Not even good cause has been shown  
9 to keep those records sealed.

10 **ACCORDINGLY, IT IS ORDERED:**

11 1. Plaintiffs’ request that the following records remain sealed or be redacted  
12 from the public record is **GRANTED in part** as to the following records or  
13 portions thereof:

- 14 i. ECF No. 190-8 at 10-23;
- 15 ii. ECF No. 220-1 at 9-22 (only portions of these records  
16 discussing milk production should be redacted);
- 17 iii. ECF No. 229-2 at 33 (pages 60-61 of the deposition); and
- 18 iv. ECF No. 229-3 at 844-72.

19 2. The Clerk of Court shall unseal all remaining pleadings and filings from  
20 ECF No. 190 to ECF No. 294.

1 The District Court Executive is hereby directed to enter this Order and  
2 provide copies to counsel.

3 **DATED** January 14, 2015.



*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge