United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CONCORD MUSIC GROUP, INC., et al.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 24-cv-03811-EKL

ORDER GRANTING IN PART AND DENYING IN PART THE PARTIES' JOINT CONSOLIDATED SEALING MOTION

Re: Dkt. No. 261

The parties have filed a joint consolidated sealing motion related to Plaintiffs' motion for preliminary injunction. ECF No. 261. The parties jointly request to seal portions of declarations and exhibits, and to redact portions of the briefing that quote from or reference the declarations and exhibits. The parties received and reviewed the Court's tentative ruling before the hearing, and counsel for Anthropic raised one objection, which was sustained. Having reviewed the joint consolidated sealing motion, the Court GRANTS in part and DENIES in part the motion to seal.

The Ninth Circuit recognizes "a strong presumption in favor of access to court records." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). "A party seeking to seal a judicial record then bears the burden of overcoming this strong presumption by meeting the 'compelling reasons' standard." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz*, 331 F.3d at 1135). "In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such 'court files might have become a vehicle for improper purposes,' such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* at 1179 (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)). The "compelling reasons" standard applies to requests to seal motions that are "more than tangentially related to the

merits of a case." *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). On the parties' joint motion, the Court finds compelling reasons to rule as follows:

ECF No.	Document	Portion(s) to Seal	Granted/Denied
ECF No. 178-2	Zhao Declaration	Highlighted portions at ¶¶ 54 –58, 60, 64	GRANTED as to ¶ 55 (20:3-10, through "of this lawsuit"), ¶ 56 (20:20-21:3), ¶ 57, and ¶ 64. DENIED as to the remainder. This material is discussed elsewhere in the unredacted portions of the record.
ECF No. 178-3	Smith Declaration	Highlighted Portions at ¶¶ 24, 79	GRANTED.
ECF No. 178-4	Exhibit B to Smith Declaration	Entire document	GRANTED.
ECF No. 178-5	Exhibit O to Chung Declaration	Highlighted portions at 18, 23–24	GRANTED.[1]
ECF No. 212-3	Opposition to Plaintiff's Renewed Motion for Preliminary Injunction	Highlighted portions at 4:18, 5:21–25, 8:3–8, 9: 15–16, 9:17, 9:18–19, 11:23–26, 23:2, 23:7, 26:10, 26:22–28, 27:3–8, 28:26–27	GRANTED as to 4:18, 5:21-25, 8:5-8 (second redacted portion), 9:15-16, 9:17, 9:18-19, but 23:2, 23:7, 26:10, 26:22-28, 27:3-8 and 28:26-27. DENIED as to 8:3-5 (first redacted portion) and 11:23-26. This material is discussed in unredacted portions of the record.
ECF No. 212-4	Exhibit A to Lovejoy Declaration	Highlighted portions	GRANTED.
ECF No. 212-5	Kaplan Declaration	Highlighted portions at 2:19–21, 2:22–24, 5:23, 7:12, 7:23, 7:24, 8:21–22, 9:5, 9:10–11, 9:17–18, 11:3, 14:14–27, 15:1–12, 15:13–15, 15:26–28, 18:1–27,	GRANTED as to 2:19-21, 2:22-24, 5:23, 7:12, 7:23, 7:24, 8:21-22, 9:5, 9:17-18, 14:14-15 (¶ 48), 14:17- 27 (all but first sentence of ¶ 49),

[1] The cited portions correspond to the pages assigned to the document by CM/ECF. The redacted portions are found on pages 17, 22, and 23 of the document.

ECF No.	Document	Portion(s) to Seal	Granted/Denied
		19:3–11, 19:14–16, 19:18–20, 19:27, 20:1, 20:4–17, 21:3–4	15:1-12, 15:13-15, 18:1-24, 19:3-11, 19:14-16, 19:18-20, 20:4-17, and 21:3-4. DENIED as to 9:10-11, 11:3, 14:16-17 (first sentence of ¶ 49), 15:26-28 (fn 8), 18:25-27, and 19:27-20:1. This material is discussed in unredacted portions of the record or is a matter of public record.
ECF No. 212-6	Exhibit I to Kaplan Declaration	Highlighted portions	GRANTED.
ECF No. 212-7	Exhibit J to Kaplan Declaration	Highlighted portions	GRANTED.
ECF No. 212-8	Peterson Declaration	Highlighted portions at 6:7, 6:9, 6:10, 10:10–11, 10:18, 10:19, 11:3, 11:5, 11:15–17, 14:20, 14:21.	GRANTED.
ECF No. 212-9	Hall Declaration	Highlighted portions at 9:26–10:2, 27:17, 28:9, 28:17–29:2, 35:16–18, 35:22–24, 36:1–5, 36:13–16, 38:6–7, 38:13–15, 39:1–2, 39:3–4	GRANTED AS MODIFIED as to 35:16-18, 35:22-24, 36:2-10 (highlighted but not included in proposed order), 36:12-21 (highlighted but not included in proposed order), 37:1-5 (modified from 36:1-5 to reflect highlighted portion), 37:13-16 (modified from 36:13-16 to reflect highlighted portion), 38:6-7, 38:13-15, 39:1-2, and 39:3-4.[2] DENIED as to 9:26-10:2, 27:17, 28:9, and 28:17-29:2. This material is discussed in

[2] The Court makes these modifications to conform its order to the highlighted portions of the unredacted documents.

ECF No.	Document	Portion(s) to Seal	Granted/Denied
			unredacted portions of the record.
ECF No. 213-2	Peterson Declaration	Highlighted portion at ¶ 42	GRANTED.
ECF No. 213-3	Hall Declaration	Highlighted portions at ¶¶ 19, 31, 57	GRANTED.
ECF No. 230-2	Plaintiff's Reply in Support of Motion for Preliminary Injunction	Highlighted portions at i, 15	GRANTED.
ECF No. 230-3	Smith Reply Declaration	Highlighted portions at ¶ 28	GRANTED.
ECF No. 230-4	Zhao Reply Declaration	Highlighted portions at ¶¶ 6–8, 11–12, 14	GRANTED as to ¶¶ 7-8, 11-12, and 14. DENIED as to ¶ 6. This material is discussed elsewhere in unredacted portions of the record.
ECF No. 249-3	Exhibit A to Dukanovic Declaration	Highlighted portions at 1, 4, 13, 17	GRANTED.
ECF No. 249-4	Kaplan Surresponse Declaration	Highlighted portions at 3:15, 3:17, 4:27, 5:15, 5:19–23	GRANTED.
ECF No. 249-5	Hall Surresponse Declaration	Highlighted portions at 4:15–18, 5:2–3, 5:5, 5:11	GRANTED.
ECF No. 250-2	Peterson Surresponse Declaration	Highlighted portion at footnote 6.	GRANTED.

By December 26, 2024, the parties shall re-file the materials at issue with redactions that conform to this Order.

IT IS SO ORDERED.

Dated: December 19, 2024

Eumi K. Lee
United States District Judge