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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

GAMBER-JOHNSON LLC,

Defendant.

CASE NO. C08-0049JLR

ORDER ON MOTION TO SEAL

Before the court is Plaintiff National Product Inc.’s (“NPI”) motion to seal certain exhibits attached to the declarations of Mark P. Walters and Stephen M. Nowlis (Dkt. # 83). NPI did not mark the documents as confidential and files this motion pursuant to its obligations in the stipulated protective order (“Protective Order”) approved by this court on July 17, 2008. NPI therefore is unable to represent to the court that there is a compelling reason to seal the exhibits. (See Mot. at 3; Declaration of Mark P. Walters (Dkt. # 84) ¶ 3.) Defendant Gamber-Johnson LLC (“Gamber-Johnson”) does not oppose

1 the motion and responds that the exhibits do contain confidential information and should
2 remain sealed. (Resp. (Dkt. # 108) at 4.)

3 Pursuant to Local Rule 5(g), there is a strong presumption of public access to the
4 court's files. Local Rules W.D. Wash. CR 5(g). With respect to dispositive motions,
5 such as the motion before the court in this case, the presumption can only be overcome
6 with a "compelling showing that the public's right of access is outweighed by the
7 interests of the public and the parties in protecting the court's files from public review."
8 *Id.* Gamber-Johnson argues that there is a compelling reason to seal the exhibits as they
9 contain customer information; product description; product specifications, including
10 testing results of various products; proposed design changes to its products; business
11 strategy information; financial information; sales and advertising information; budget
12 forecasts; and annual budget information. (Resp. at 4-5.) Having reviewed the exhibits,
13 the court agrees with Gamber-Johnson that the documents represent confidential business
14 information that if made public could harm Gamber-Johnson. The court GRANTS the
15 motion to seal (Dkt. # 83). Document numbers 89 and 90 shall remain under seal.

16 Dated this 1st day of February, 2010.

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19 JAMES L. ROBART
20 United States District Judge
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