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10 Successor to Keurig, Incorporated)

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION

15 JBR, INC. (D/B/A ROGERS FAMILY
16 COMPANY),

17 Plaintiff,

18 v.

19 KEURIG GREEN MOUNTAIN, INC. (F/K/A
20 GREEN MOUNTAIN COFFEE ROASTERS,
INC. AND AS SUCCESSOR TO KEURIG,
INCORPORATED)

21 Defendant.

Case No. 2:14-cv-00677-KJM-CKD

**NOTICE OF REQUEST AND
REQUEST TO SEAL DOCUMENTS
AND FILE REDACTED VERSIONS
AND ORDER**

Date: May 7, 2014

Time: 10:00 am

Room: Courtroom 24, 8th Fl.

Magistrate Judge: Hon. Carolyn Delaney

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NOTICE OF REQUEST AND REQUEST TO SEAL DOCUMENTS AND FILE

REDACTED VERSIONS

PLEASE TAKE NOTICE THAT Defendant Keurig Green Mountain, Inc. (“Keurig”) hereby submits this Notice of Request and Request to Seal Documents and File Redacted Versions pursuant to Local Rules 140 and 141. Keurig requests that the Court order sealed the unredacted version of Keurig’s Opposition to Plaintiff’s Motion for Expedited Discovery Related to Plaintiff’s Motion for Preliminary Injunction (“Opposition”) and authorize Keurig to redact the Opposition as described below.

This Opposition contains statements that quote and paraphrase documents that Plaintiff JBR, Inc., d/b/a/ Rogers Family Company (“Rogers”) has requested this Court order sealed (“Statements”). *See* ECF No. 18. Rogers has represented that these documents contain “confidential and sensitive information related to Rogers’ ongoing business operations. Public disclosure of such information would cause harm to Rogers, including but not limited to providing Rogers’ competitors, customers and potential customers with an unfair advantage.” *Id.* Keurig has redacted the Statements from its Opposition.

The Court may exercise supervisory discretion in sealing court documents and preventing public inspection. *See generally Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978). Although a common law right to inspect judicial records is recognized, it is not absolute. *Id.* at 597-98. The interest advanced by the parties must be weighed in light of the “public interest and the duty of the courts.” *Id.* at 602.

For these reasons, Keurig requests that the Court find good cause exists to seal its unredacted Opposition and authorize Keurig’s redaction of the above-referenced Statements. Counsel for Defendant has met and conferred with Counsel for Plaintiff regarding this Request and Plaintiff has no objection to the Opposition being filed under seal or to Keurig’s redaction of the Statements in the Opposition.

Keurig has submitted this Notice, Request to Seal, Proposed Order, and redacted and unredacted version of the document sought to be sealed to the Court via electronic mail and has

1 served Plaintiff with copies of these documents via electronic mail pursuant to an agreement
2 between the parties.

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4 Dated: April 23, 2014

GEORGE S. CARY
CLEARLY GOTTLIEB STEEN & HAMILTON
LLP

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7 By: /s/ George S. Cary as authorized on 4/23/14
George S. Cary

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9 COURTNEY J. LINN
10 ORRICK, HERRINGTON & SUTCLIFFE LLP

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12 By: /s/ Courtney J. Linn
Courtney J. Linn

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14 Attorneys for Defendant Keurig Green
15 Mountain, Inc. (f/k/a Green Mountain
16 Coffee Roasters, Inc. and as Successor to
17 Keurig, Incorporated)
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[PROPOSED] ORDER

The Court, having considered Defendant Keurig Green Mountain, Inc.'s ("Keurig's") Notice of Request and Request to Seal Documents and File Redacted Versions, hereby rules as follows.

IT IS SO ORDERED that Keurig's request to file a redacted version of its Opposition to Plaintiff's Motion for Expedited Discovery Related to Plaintiff's Motion for Preliminary Injunction with an unredacted version of the document filed under seal is GRANTED.

Dated: April 25, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE