

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND BULK & OVERSIZED
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. [16-cv-07014-VC](#)

**ORDER DENYING ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

Re: Dkt. Nos. 157, 171

The administrative motion to seal filed in connection with the City's motion for summary judgment is denied. Although the kind of information that OBOT seeks to seal may sometimes be concealed from public view on the ground that it could be used to the requesting party's competitive disadvantage, OBOT has not adequately explained how that could occur here. Simply saying that the terms of the agreements between the project developers could be used to OBOT's competitive disadvantage is not enough. Sanders Decl. ISO City's Admin. Mot. to File Under Seal (Dkt. No. 171-1); *see Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1099 (9th Cir. 2016). Indeed, it is difficult to imagine how this information could be used to OBOT's competitive disadvantage, given the unique nature of the development project and the contracts already in place with the City and others – it is not at all apparent whether there could be any current or future business arrangement sufficiently analogous to the OBOT project to make the material sought to be sealed relevant. At the same time, the public's substantial interest in the terminal project requires an especially strong showing that it would be appropriate to keep relevant documents on the docket secret. OBOT has not come close to making that showing. Therefore, the Clerk of the Court is ordered to unseal the documents filed under seal as part of

this administrative motion to file under seal.

IT IS SO ORDERED.

Dated: May 23, 2018



VINCE CHHABRIA
United States District Judge