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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ELON MUSK et al.,

Plaintiffs,

v.

SAMUEL ALTMAN, et al.,

Defendants.

Case No. 4:24-cv-04722-YGR

DEFENDANT MICROSOFT CORPORATION'S ADMINISTRATIVE MOTION TO SEAL PURSUANT TO LOCAL RULES 7-11 AND 79-5

Date Action Filed: August 5, 2024
Trial Date: April 27, 2026

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Microsoft Corporation ("Defendant" or "Microsoft") respectfully moves for an order permitting it to maintain the following document partially under seal.[1] The document and portions thereof that Microsoft seeks to seal are identified in the table below:

Document(s) Sought to be Sealed	Portion(s) Requested to be Sealed
Deposition Transcript of Dr. Jonathan I. Arnold, as filed in redacted form at Dkt. 412-02 (Exhibit A to the Declaration of Nisha Patel filed with Defendant Microsoft's Motion *in Limine* No. 1 to Preclude Mentions of Dr. Arnold's Personal Litigations).	Limited portions of testimony on pp. 55-56, as marked in red boxes in Exhibit A to this Declaration.

In support of this request, Microsoft submits this Motion, the Declaration of Nisha Patel in support of Microsoft's Motion, the Joint Stipulation Regarding Microsoft's Motion, the excerpted Deposition Transcript of Dr. Jonathan I. Arnold, and a Proposed Order, which together establish good cause to protect the confidentiality of the information that Microsoft wishes to seal.

II. LEGAL STANDARD

A party seeking to file documents under seal must establish "good cause" under Fed. R. Civ. P. 26(c). *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). "District courts within the Ninth Circuit have found that a party's legitimate interest in ensuring the privacy of personal information outweighs the public's interest in access to court filings." *Richter v. Oracle Am., Inc.*, No. 22-CV-04795-BLF, 2023 WL 5663217, at *2 (N.D. Cal. Aug. 30, 2023).

III. ARGUMENT

[1] Microsoft filed the Deposition Transcript of Dr. Jonathan I. Arnold with Microsoft's proposed redactions applied at Dkt. 412-02 (Exhibit A to the Declaration of Nisha Patel). Microsoft requests that the version filed at Dkt. 412-02 remain public and the version attached to this Motion remain under seal.

Here, the "good cause" standard is met as to the materials sought to be sealed by Microsoft, as the deposition transcript discloses sensitive and irrelevant personal information concerning a third party who is not involved in this case. As courts have recognized, personal information involving nonparties can outweigh the presumption of public access, especially when the information concerns a sensitive private matter and has no bearing on the issues in dispute. *See, e.g.*, *Moussouris v. Microsoft Corp.*, No. 15-CV-1483-JLR, 2018 WL 1159251, at *6 (W.D. Wash. Feb. 16, 2018) (noting that the privacy interests of nonparties may outweigh the public's interest in knowing certain information when the information is private to the individuals involved and the nonparties have not sought to place that information in the public sphere), *report and recommendation adopted*, 2018 WL 1157997 (W.D. Wash. Mar. 1, 2018); *In re BofI Holding, Inc. Securities Litigation*, No. 15-cv-2324, 2021 WL 3700749, at *8 (S.D. Cal. 2021) ("Requests to seal personal information are often granted to protect an individual's privacy and prevent exposure to harm, particularly where the information relates to nonparties."); *In re MyFord Touch Consumer Litig,*, No. 13-cv-3072, 2018 WL 1027391, at *2 (N.D. Cal. 2018) ("minimal" public interest in information that "does not relate directly to the issues in dispute").

Microsoft seeks to seal only this limited testimony regarding personal information concerning a third party that is not relevant to the issues in the present case. Thus, Microsoft references the information only to seek to exclude it in Microsoft's Motion *in Limine*. As explained in the Declaration of Nisha Patel in Support of Defendant Microsoft's Administrative Motion to Seal, making this information public could compromise the third party's privacy.

IV. CONCLUSION

For the foregoing reasons, Microsoft respectfully moves this Court pursuant to Civil L.R. 79-5 to keep the above-listed material under seal.

Dated: February 24, 2026

DECHERT LLP

/s/ Russell P. Cohen

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CERTIFICATE OF SERVICE

The undersigned, counsel of record for Defendant Microsoft Corporation, certifies that on February 24, 2026, a copy of the foregoing document(s) was electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel of record.

/s/ Russell P. Cohen
RUSSELL P. COHEN