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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COURTNEY MCMILLIAN, et al.,

Plaintiffs,

v.

ELON MUSK, et al.,

Defendants.

Case No. [23-cv-03461-TLT](#)

**ORDER DENYING DEFENDANTS’  
MOTION TO FILE UNDER SEAL;  
DENYING NON-PARTY  
SILVERMAN’S MOTION TO  
INTERVENE AND OPPOSE SEALING  
RECORDS; AND DENYING  
DEFENDANTS’ MOTION TO STAY**

Re: Dkt. Nos. ECF 95, 96, 123

The instant case is currently pending notice of appeal of judgment to the Ninth Circuit Court of Appeals. ECF 109, 110. Before the Court are three administrative motions: (1) Defendants’ Administrative Motion to File Under Seal, (2) non-party Jacob Silverman’s (“Silverman”) Motion to Intervene and Oppose Sealing Judicial Records, and (3) Defendants’ Motion to Stay Proceedings pending resolution of appeal in another matter. *See* ECF 95, 96, 123.

Ahead of the scheduled motion hearing, the Court provided a tentative ruling which denied the Administrative Motion to Seal and denied as moot Silverman’s Motion to Intervene and Oppose Sealing Judicial Records. ECF 119. The pending administrative motions were heard in person on December 3, 2024. *See* ECF 123.

Having considered the motion briefing, the arguments of counsel, and the other matters on file in this action, the Court **DENIES** without prejudice Defendants’ Administrative Motion to File Under Seal, **DENIES** as moot Silverman’s Motion to Intervene and Oppose Sealing Judicial Records, and **DENIES** Defendants’ Motion to Stay Proceedings pending resolution of appeal in another matter.

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United States District Court  
Northern District of California

1       **I. BACKGROUND**

2           Plaintiffs Courtney McMillian and Ronald Cooper brought a putative class action under the  
3 Employee Retirement Income Security Act, 29 U.S.C. §§ 1001, et seq. against Defendants X  
4 Holdings I, Inc., X Corp. (on its own behalf and as successor in interest to Twitter) and Elon Musk.  
5 ECF 13 (First Amended Complaint (“FAC”)), ¶ 1. Plaintiffs contend that their former employer,  
6 Twitter, Inc., now X Corp, provided insufficient severance payments under a post-termination  
7 benefits plan that applies to former Twitter employees due to Twitter’s takeover in October 2022.  
8 *Id.* ¶ 71. Plaintiffs claim that after the takeover they were only offered one months’ worth of  
9 severance pay but are entitled to a higher amount under the plan. *Id.* ¶¶ 72-79.

10           As a result, Plaintiffs seek relief for (1) wrongful denial of benefits under an ERISA plan;  
11 (2) breach of fiduciary duties imposed by ERISA for failure to fund plan; and (3) failure to provide  
12 complete and accurate information about an ERISA plan. The class is defined as “[a]ll participants  
13 and beneficiaries of the Plan who were terminated from Twitter since the date of Defendant Musk’s  
14 takeover, October 27, 2022, through the date of judgment.” *Id.* ¶ 82. The instant class action is one  
15 of multiple actions filed by former Twitter employees relating to the 2022 restructuring of Twitter  
16 and subsequent layoffs.

17           On January 9, 2024, Defendants filed a Motion to Dismiss Plaintiffs’ Amended Complaint.  
18 ECF 38. On July 9, 2024, the Court granted Defendants’ Motion to Dismiss. ECF 97. Plaintiffs  
19 subsequently filed a Notice of Appeal to the Ninth Circuit Court of Appeals on August 14, 2024.  
20 ECF 109. The action is stayed pending a decision from the Ninth Circuit. *Id.*

21           On June 26, 2024, before the Notice of Appeal was filed, Defendants moved the Court to  
22 issue an administrative order. ECF 95. Pursuant to Local Rule 3-15, Defendants sought to file under  
23 seal Defendants’ Supplemental Rule 7.1 Corporate Disclosure and Certification Statement (the  
24 “Corporate Disclosure Statement”). *Id.*

25           On May 28, 2024, the Court ordered that “[i]f there is no conflict or interest to be disclosed,  
26 then Defendants must file a Certification that shall state: ‘Pursuant to Civil L.R. 3-15, the  
27 undersigned certifies that as of this date, there is no conflict or interest (other than the named parties)  
28 to report,’ after which the Signature, Attorney of Record, shall be included.” ECF 90.

1 In response to the Court’s order, on June 26, 2024, Defendants filed Administrative Motion  
2 to File Under Seal Defendants' Supplemental Rule 7.1 Corporate Disclosure Statement. ECF 95.  
3 Plaintiffs did not oppose the Administrative Motion. However, Jacob Silverman, a non-party  
4 journalist, sought to intervene and oppose the motion to seal. ECF 96. Silverman filed his Motion  
5 to Intervene and Oppose Sealing Judicial Records thirteen (13) days after the Administrative Motion  
6 to Seal was filed. ECF 96. Defendants filed an opposition, Silverman filed a reply, and Defendants  
7 filed a surreply after Court approval. ECF 105, 108, 117.

8 On October 28, 2024, Defendants filed a Motion to Stay Proceedings Pending Appeal in  
9 Another Matter. ECF 123. Silverman filed an opposition. ECF 124. After several objections, the  
10 Court maintained in-person hearing to hear the parties’ and Silverman’s arguments regarding the  
11 pending administrative motions. *See* ECF 120 (motion to continue October 1 hearing), 125 (motion  
12 to adjourn hearing), 129 (motion to appear by videoconference or telephone). The Court heard oral  
13 argument regarding the pending motions on December 3, 2024.

## 14 **II. LEGAL STANDARD**

### 15 **A. Motion to Seal Court Records**

16 District Courts have inherent supervisory authority over their own records and files.  
17 *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995) (“Every court has supervisory power  
18 over its own records and files, and access has been denied where court files might have become a  
19 vehicle for improper purposes.”) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598  
20 (1978)). The public has a right to access court records. *Globe Newspaper Co. v. Sup. Ct.*, 457 U.S.  
21 596, 606-07 (1982); *Times Mirror Co. v. United States*, 873 F.2d 1210, 1211 n.1 (9th Cir. 1989).  
22 There is a “strong presumption in favor of access” to court records. *Kamakana v. City and Cnty. of*  
23 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Therefore, in submitting a motion to seal, the party  
24 filing must overcome this strong presumption by showing there are “compelling reasons supported  
25 by specific factual findings.” *Id.* at 1178-82.

26 The Court must “balance[] the competing interests of the public and the party who seeks to  
27 keep certain judicial records secret.” *Id.* at 1179. There is, however, no presumption in favor of  
28 access to judicial records for sealed discovery documents attached to a non-dispositive motion or

1 for non-dispositive materials. *Id.* at 1179-80; *San Jose News v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102  
2 (9th Cir. 1999) (The presumption of access to court records can be overcome when a party  
3 demonstrates important countervailing interests in maintaining the confidentiality of sensitive and  
4 private personal or business information). This lack of presumption is because there is less of a need  
5 for the public to access court records because such documents are “unrelated, or only tangentially  
6 related, to the underlying cause of action.” *Kamakana*, 447 F.3d at 1179. Accordingly, for such  
7 materials, the Court applies the good cause standard. *Id.* at 1180.

8 In addition, any party seeking to file a document under seal must carefully review and  
9 comply with Civil Local Rule 79-5 and Judge Thompson’s Standing Order. The filing party must  
10 make a specific showing explaining why each document that it seeks to seal may justifiably be  
11 sealed. The filing party must also show why any proposed redactions are as narrowly tailored as  
12 possible. The filing party may not just make blanket statements about the grounds for sealing. Any  
13 proposed order under Civil Local Rule 79-5(c)(3) must include in the table for each item sought to  
14 be sealed: (1) the docket numbers of the public and provisionally sealed versions of the documents  
15 sought to be filed under seal; (2) the name of the document; (3) the specific portions of the document  
16 sought to be filed under seal; and (4) the filer’s reasons for seeking sealing of the material, along  
17 with citations to the relevant declarations and any supporting legal authority.

#### 18 **B. Motion to Intervene**

19 “Non-parties seeking permissive intervention in a civil case under Federal Rule of Civil  
20 Procedure 24(b) generally must show: (1) ‘an independent ground for jurisdiction; (2) a timely  
21 motion; (3) a common question of law and fact between the movant’s claim or defense and the main  
22 action.’ *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992). “Rule 24(b)(3)  
23 specifically instructs that ‘[i]n exercising its discretion, the court must consider whether the  
24 intervention will unduly delay or prejudice the adjudication of the original parties’ rights.’ Even if  
25 an applicant satisfies those threshold requirements, the district court has discretion to deny  
26 permissive intervention.” *Cosgrove v. Nat’l Fire & Marine Ins. Co.*, 770 F. App’x 793, 794-95 (9th  
27 Cir. 2019) (citing *Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998)). “In the context of a  
28 postjudgment motion to intervene, however, federal cases interpreting the timeliness requirement of

1 [R]ule 24 have traditionally held, even in cases of intervention of right, that such motions will be  
 2 granted only in very unusual circumstances.” *Associated Gen. Contractors of Cal. v. Sec’y of Com.*  
 3 *of U. S. Dep’t of Com.*, 77 F.R.D. 31, 37 (C.D. Cal. 1977).

#### 4 **C. Motion to Stay Proceedings Pending Appeal**

5 In the Ninth Circuit, a Court has the discretion to stay proceedings pending an appeal. The Ninth  
 6 Circuit has held that:

7 A district court has inherent power to control the disposition of the  
 8 causes on its docket in a manner which will promote economy of time  
 9 and effort for itself, for counsel, and for litigants. The exertion of this  
 10 power calls for the exercise of a sound discretion. Where it is  
 11 proposed that a pending proceeding be stayed, the competing interests  
 12 which will be affected by the granting or refusal to grant a stay must  
 13 be weighed. Among these competing interests are the possible  
 14 damage which may result from the granting of a stay, the hardship or  
 15 inequity which a party may suffer in being required to go forward,  
 16 and the orderly course of justice measured in terms of the simplifying  
 17 or complicating of issues, proof, and questions of law which could be  
 18 expected to result from a stay. *See Landis v. North American Co.*, 299  
 19 U.S. 248, 254-255 (1936).

20 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (citations cleaned up).

### 21 **III. DISCUSSION**

#### 22 **A. Defendants’ Administrative Motion to File Under Seal**

##### 23 **1. The Court Has Jurisdiction to Rule on the Motion to Seal Notwithstanding 24 the Judgment Order and Pending Appeal in the Ninth Circuit.**

25 This Court has jurisdiction to rule on Defendants’ Administrative Motion to Seal due to the  
 26 inherent supervisory authority over its own records and files. *Hagestad*, 49 F.3d 1433-34. This  
 27 inherent power is not affected by the pending appeal. *See Blum v. Merrill Lynch Pierce Fenner &*  
 28 *Smith Inc.*, 712 F.3d 1349, 1354 (9th Cir. 2013) (collecting cases in the Third Circuit, Tenth Circuit,  
 First Circuit, and Ninth Circuit which support the general proposition that confidentiality orders,  
 protective orders, and access to discovery materials may be challenged after the underlying dispute  
 between the parties has been resolved). Further, the parties do not dispute that the Court’s  
 jurisdiction. Given the foregoing, the Court has jurisdiction to resolve Defendants’ Administrative  
 Motion to Seal.

1                   **2. Because the Corporate Disclosure Statement is Unrelated to the Underlying**  
2                   **Cause of Action, the Good Cause Standard Applies.**

3                   For the Court to grant the Administrative Motion to Seal, the filing party must demonstrate  
4 that the good cause standard is met. The good cause standard is proper because the Corporate  
5 Disclosure Statement is non-dispositive. *See Kamakana*, 447 F.3d at 1180. The Corporate  
6 Disclosure Statement serves the purpose of allowing the Court to consider whether there is a conflict  
7 of interest that would require recusal. Given this purpose, the public’s access to the information in  
8 the Corporate Disclosure Statement does not apply with the same force as a filing that is “more than  
9 tangentially related to related to the merits.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d  
10 1092, 1101 (9th Cir. 2016). Accordingly, the Court finds that the good cause standard applies to the  
11 sealing of the Corporate Disclosure Statement.

12                   **3. Good Cause Does Not Exist to Seal the Corporate Disclosure Statement.**

13                   In their briefing, Defendants make two arguments in support of their motion to seal: (a)  
14 owners/shareholders’ expectation of privacy and (b) Defendants’ competitive position in the  
15 marketplace. The Court will address each argument in turn.

16                   Because Defendants have not shown that owners/shareholders’ expectation of privacy nor  
17 Defendants’ competitive position in the marketplace constitute good cause, the Court **DENIES**  
18 Defendants’ motion to seal without prejudice.

19                   While the Court denies the motion to seal, the Court acknowledges that the appeal in *Anoke*  
20 *et al v. Twitter, Inc. et al* may have an impact on this Court’s ruling. *Anoke et al v. Twitter, Inc. et*  
21 *al*, No. 23-cv-02217-SI (N.D. Cal. filed May 5, 2023). Thus, Defendants are **ORDERED** the  
22 following after the resolution of the appeal in *Anoke*:

- 23                   1. If the Ninth Circuit issues a ruling in favor of Plaintiffs regarding sealing, Defendants must  
24                   file an unredacted Corporate Disclosure Statement within fourteen (14) days of the ruling.
- 25                   2. If the Ninth Circuit issues a ruling in favor of Defendants regarding sealing, Defendants may  
26                   alert the Court by filing a Statement of Recent Decision and file a Motion for  
27                   Reconsideration of the Motion to Seal or related filing within fourteen (14) days of the  
28                   ruling.

1  
2 **a. The Possibility of Owners/Shareholders' Expectation of Privacy Being**  
3 **Violated Does Not Constitute Good Cause.**

4 Defendants argue good cause exists to seal the portions of the filing that reveal the identities  
5 of X Holdings Corp.'s owners/shareholders due to the countervailing interests in maintaining the  
6 confidentiality of this sensitive and private business information. ECF 95, at 4. Defendants explain  
7 that the owners/shareholders of X Holdings Corp. include various individual persons, private family  
8 and other trusts, and other private entities (such as funds, LLCs and corporations). *Id.* (citing ECF  
9 95-1 ("Declaration of Dhruv Batura") ¶ 3). As a matter of routine practice, Defendants explain, X  
10 Holdings Corp. does not publish or otherwise make publicly available information regarding its  
11 owners/shareholders and treats such information as confidential. *Id.* Defendants further contend that  
12 because the owners/shareholders expect such information to remain private, this expectation will be  
13 violated if the Court denies the motion to seal. *Id.* at 4-5.

14 In their motion, Defendants cite to *Best Odds Corp. v. iBus Media Ltd.*, No. 14-cv-00932,  
15 2014 WL 5687730 (D.Nev. Nov. 4, 2014). However, Silverman argues that *Best Odds* was decided  
16 under a dispositive or non-dispositive standard that was rejected by the Ninth Circuit. *See Ctr. for*  
17 *Auto Safety*, 809 F.3d at 1101. In *Ctr. for Auto Safety*, the Ninth Circuit held that "that public access  
18 to filed motions and their attachments does not merely depend on whether the motion is technically  
19 dispositive. . . [r]ather, public access will turn on whether the motion is more than tangentially  
20 related to the merits of a case." *Id.* Additionally, Silverman argues that *Best Odds* appears to never  
21 have been cited by any other court for its analysis of sealing. ECF 108, at 13.

22 Silverman also argues that *Best Odds* can be distinguished from the instant case. In *Best*  
23 *Odds*, the statement was sealed "as a prophylactic against potential litigation abuses that will  
24 needlessly increase the cost of litigation." *Best Odds*, 2014 WL 5687730, at \*3. Silverman contends  
25 that the abuse at issue in *Best Odds* is not at issue here.

26 In *Anoke*, Defendants filed under seal a nearly identical Corporate Disclosure Statement as  
27 the instant case. *Cf. Anoke*, No. 23-cv-02217-SI, ECF 36-4 with ECF 95-4. The instant case and  
28 *Anoke* contain several similarities in that both actions contain some of the same defendants and arose

1 due to layoffs at Twitter. The Corporate Disclosure Statement filed in *Anoke* contains the same exact  
2 list of owners/shareholders that are listed in the filing in this action. Because the Court in *Anoke*  
3 unsealed the Corporate Disclosure Statement, the public already has access to the information  
4 sought to be sealed in the instant case. *Anoke*, No. 23-cv-02217-SI, ECF 53 (Order Granting Motion  
5 to Intervene and Unseal Corporate Disclosure Statement). Because the information sought to be  
6 sealed is already available to the public, Defendants have not shown how “specific prejudice or  
7 harm will result if no protective order is granted.” *Phillips ex rel. Estate v. Gen. Motors Corp.*, 307  
8 F.3d 1206, 1210-11 (9th Cir. 2002).

9 Defendants have not shown how each of the specific individuals or families listed in the  
10 Corporate Disclosure Statement would be prejudiced or harmed if their information is publicly  
11 available (or remains publicly available via the *Anoke* docket). Defendants have not given any  
12 specific examples of any harm or prejudice that already occurred to some of the owners/shareholders  
13 listed from having their information public in similar contexts, or from having it public in *Anoke*.

14 The Court notes that Defendants may not have known that the information in *Anoke* that was  
15 initially sealed would later be publicly available until after Defendants filed its Opposition in this  
16 action. Defendants filed their Opposition to Silverman’s Motion to Intervene and Oppose Sealing  
17 on July 30, 2024 while Silverman subsequently filed his Second Statement of Recent Decision on  
18 September 5, 2024. *See* ECF 105, 116. However, Defendants filed a surreply on September 9, 2024  
19 which could have addressed further harm or prejudice. ECF 117.

20 Given the above, the Court finds that Defendants have not shown the owners/shareholders’  
21 expectation of privacy being violated is good cause to grant the motion to seal.

22 **b. Defendants Have Not Established Good Cause Regarding Defendants’**

23 **Competitive Position in the Marketplace.**

24 Defendants also blanketly contend that “[t]he wholesale disclosure of information regarding  
25 its owners/shareholders potentially could enable X Holdings Corp.’s competitors to undermine X  
26 Holding Corp.’s competitive position in the marketplace, allow current or prospective business  
27 partners or counterparties to take unfair advantage of X Holdings Corp. in negotiations or other  
28 business affairs, or otherwise prejudice X Holdings Corp.’s business interests.” ECF 95, at 5.



1 The Court finds that Defendants have not made a specific showing as to how and why their  
2 competitive position would be adversely affected by a disclosure. *See Beckman Indus.*, 966 F.2d at  
3 476 (“[B]road allegations of harm, unsubstantiated by specific examples or articulated reasoning,  
4 do not satisfy the Rule 26(c) test.”) (citation omitted); *see also* Civil Local Rule 79-5 and Judge  
5 Thompson’s standing order. Defendants must make a specific showing explaining why each  
6 document that they seek to seal may justifiably be sealed. They must also make a specific showing  
7 that any proposed redactions are as narrowly tailored as possible. The Court finds Defendants have  
8 not shown Defendants’ position in the marketplace constitutes good cause.

9 **B. Non-Party Silverman’s Motion to Intervene**

10 Silverman’s Motion to Intervene and Oppose Sealing Judicial Records was filed on July 9,  
11 2024, thirteen (13) days after the Defendants filed their administrative motion. *See* ECF 95, 96.  
12 Silverman, a non-party, argues that his motion to intervene is timely, citing to Civil L.R. 79-5(g)(3)  
13 which states that: “non-parties may, at any time, file a motion requesting that the Court unseal a  
14 document,” including “after the case is closed.”

15 Silverman also argues that “delays measured in years have been tolerated where an  
16 intervenor is pressing the public’s right of access to judicial records.” *San Jose Mercury News*, 187  
17 F.3d at 1101. “In determining whether a motion for intervention is timely, a court must consider  
18 three factors: (1) the stage of the proceeding at which the applicant seeks to intervene; (2) the  
19 prejudice to other parties; and (3) the reason for and length of the delay.” *Id.* at 1100-01 (internal  
20 quotation marks and citation omitted).

21 Defendants argue that because Plaintiffs’ notice of appeal divests this Court of jurisdiction,  
22 the Court cannot entertain the Motion to Intervene. ECF 117, at 2. Courts in the Ninth Circuit  
23 recognize that “[t]he basic general rule is that an appeal to a higher court ousts the jurisdiction of  
24 the lower courts.” *Assoc. Gen. Contractors of Cal. v. Sec’y of Com. Of U.S. Dep’t of Com.*, 77 F.R.D.  
25 31, 35 (C.D. Cal. 1977); *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). “The  
26 same general rule applies in the context of a [d]istrict [c]ourt’s jurisdiction to grant a motion to  
27 intervene after an appeal has been taken.” *Assoc. Gen. Contractors*, 77 F.R.D. at 35. A notice of  
28 appeal divests the district court of jurisdiction even where, as here, “the motion to intervene had

1 been filed before the notice of appeal.” *Stiller v. Costco Wholesale Corp.*, 2015 WL 1612002, at \*1  
2 (S.D. Cal. Apr. 9, 2015); *Drywall Tapers & Pointers of Greater N.Y. v. Nastasi & Assocs. Inc.*, 488  
3 F.3d 88, 94 (2d Cir. 2007) (affirming denial of motion to intervene for lack of jurisdiction when  
4 intervention motion was not ruled upon before filing notice of appeal).

5 The Court finds Defendants’ arguments to be unpersuasive. While district courts lack  
6 jurisdiction after an appeal, district courts retain their inherent supervisory authority over their own  
7 records and files. *Hagestad*, 49 F.3d at 1433-34 (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S.  
8 589, 598 (1978)). The Court interprets the Motion to Intervene and Oppose Sealing Records as an  
9 Opposition to the Administrative Motion to Seal. The Opposition relates to an issue involving the  
10 Court’s own records and files which the Court has jurisdiction over.

11 As to timeliness, the Court agrees with Silverman that for motions to intervene seeking to  
12 oppose sealing records may be filed later than motions filed in opposition of sealing records.  
13 However, regardless of the parties’ arguments regarding jurisdiction and timeliness, the Court  
14 **DENIES** as moot Silverman’s motion to intervene and unseal given the Court’s denial of  
15 Defendants’ motion to seal. *See supra* Section III.A.3.

### 16 **C. Defendants’ Motion to Stay Proceedings Pending Appeal in *Anoke***

17 In the Ninth Circuit, a Court has the discretion to stay proceedings pending an appeal.  
18 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). Defendants argue that the Court should  
19 exercise its discretion and stay the matter because the question of whether the Corporate Disclosure  
20 Statement should be unsealed in *Anoke et al v. Twitter, Inc. et al*, No. 23-cv-02217-SI (N.D. Cal.  
21 filed May 5, 2023) is currently before the Ninth Circuit in another case also naming the same  
22 Defendant (X Holdings Corp.). ECF 123, at 2.

23 The Corporate Disclosure Statement was filed under Local Rule 3-15, which lists all  
24 shareholders that have an ownership interest in Defendant X Holdings Corp., a privately held  
25 corporation. *Id.* Defendants argue that Corporate Disclosure Statement at issue in *Anoke* is identical  
26 to the Corporate Disclosure Statement filed in this action. *Id.* at 4. Because they are identical,  
27 Defendants argue that this Court should stay the proceedings pending the Ninth Circuit’s decision  
28 so that they avoid further prejudice. *Id.*

1 During oral argument, Silverman expressed a concern that the matter should not be stayed,  
2 and that the Corporate Disclosure Statement should be unsealed prior to a ruling in *Anoke*. Silverman  
3 contends that the harm of not unsealing the records is that the public has an interest in assuring that  
4 the document is what it is represented to be. Silverman argues that the Ninth Circuit’s decision in  
5 *Anoke* is unlikely to touch on any of the issues that are relevant to this matter.

6 The Court finds that there is no prejudice to Defendants at this stage and no inefficiency of  
7 denying the stay. Defendants’ motion to seal was denied without prejudice and Defendants are not  
8 ordered to file unredacted Corporate Disclosure Statement until after the resolution of *Anoke*. *See*  
9 *supra* Section III.A.3.

10 Given the Court’s rulings, Defendants will suffer no prejudice. For the reasons stated above,  
11 the Court **DENIES** Defendants’ Motion to Stay.

12 **IV. CONCLUSION**

13 For the reasons stated above and after consideration of the parties’ arguments in the hearing  
14 on December 3, 2024, the Court finds the following:

- 15 1. Defendants’ Administrative Motion to Seal (ECF 95) is **DENIED** without prejudice.  
16 Defendants are **ORDERED** the following after the resolution of the appeal in *Anoke et al v.*  
17 *Twitter, Inc. et al*, No. 23-cv-02217-SI (filed May 5, 2023):
- 18 a. If the Ninth Circuit issues a ruling in favor of Plaintiffs regarding sealing, Defendants  
19 must file an unredacted Corporate Disclosure Statement within fourteen (14) days of  
20 the ruling.
  - 21 b. If the Ninth Circuit issues a ruling in favor of Defendants regarding sealing,  
22 Defendants may alert the Court by filing a Statement of Recent Decision and file a  
23 Motion for Reconsideration of the Motion to Seal or related filing within fourteen  
24 (14) days of the ruling.
  - 25 c. Parties will provide the Court with status reports on the *Anoke* appeal proceedings  
26 every 60 days starting on February 14, 2025 and within five (5) days of the resolution  
27 of the appeal.
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2. Given the Court’s denial of Defendants’ motion to seal, Non-Party Silverman’s Motion to Intervene and Oppose Sealing Judicial Records (ECF 96) is **DENIED** as moot.
3. Defendants’ Motion to Stay Proceedings pending resolution of appeal in another matter (ECF 123) is **DENIED**.

This Order resolves ECF 95, 96, and 123.

**IT IS SO ORDERED.**

Dated: December 17, 2024

  
\_\_\_\_\_  
TRINA L. THOMPSON  
United States District Judge

United States District Court  
Northern District of California