

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 12/05/2024

TIME: 10:00:00 AM

DEPT: C33

JUDICIAL OFFICER PRESIDING: Sandy Leal

CLERK: C. Vazquez, V. Do

REPORTER/ERM: (ACRPT) Cheri Violette CSR# 3584

BAILIFF/COURT ATTENDANT: J. Kempf

CASE NO: **30-2021-01226723-CU-BC-CJC** CASE INIT.DATE: 10/19/2021

CASE TITLE: **Software Freedom Conservancy, Inc. vs. Vizio, Inc.**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

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EVENT ID/DOCUMENT ID: 74426879

**EVENT TYPE:** Status Conference

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EVENT ID/DOCUMENT ID: 74426883

**EVENT TYPE:** Motion to Compel Production

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EVENT ID/DOCUMENT ID: 74426888

**EVENT TYPE:** Motion to Seal

MOVING PARTY: Vizio, Inc.

CAUSAL DOCUMENT/DATE FILED: Motion to Seal, 06/24/2024

Additional events listed on last page.

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**APPEARANCES**

Said Vakili, from VAKILI & LEUS, LLP, present for Plaintiff(s) remotely.

Michael Ernest Williams, from Quinn Emanuel Urquhart & Sullivan, LLP, present for Defendant(s).

Cheri Violette Makino CSR 3584

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Hearing held, participants appearing remotely and in person.

Tentative Ruling posted on the Internet .

**The Court confirms the tentative ruling. The tentative ruling is now the final order of the Court as follows:**

- . - **Motion to Compel Answers to Form Interrogatories**
- . - **Motion to Compel Further Responses to Special Interrogatories**
- . - **Motion to Compel Production**
- . - **Motion to Seal**

**Motion No. 1**

Defendant Vizio, Inc.'s (Vizio) Motion to Compel Further Responses to Form Interrogatories, Set Two (ROA 290) is MOOT.

The parties' joint statement, filed on 6/14/24, states Defendant is withdrawing this motion based on Plaintiff's supplemental responses. The most recent joint statement filed on 10/29/24 confirms this motion has been resolved.

## **Motion No. 2**

Plaintiff's Motion to Compel Further Responses to Requests for Production, Set One (ROA 305) is CONTINUED to 12/19/24.

The joint statement filed on 10/29/24 states the parties are continuing to meet and confer and jointly request a continuance for further attempts to resolve the dispute.

## **Motion No. 3**

Plaintiff's Motion to Compel Further Responses to Special Interrogatories, Set One (ROA 300) is MOOT.

The parties' joint statement filed on 10/29/24 states this motion has been resolved.

## **Motion to Seal**

Defendant Vizio, Inc.'s Motion to Seal portions of the 6/14/24 joint statement is GRANTED.

"The public has a First Amendment right of access to civil litigation documents filed in court and used at trial or submitted as a basis for adjudication. Substantive courtroom proceedings in ordinary civil cases, and the transcripts and records pertaining to these proceedings, are presumptively open." (*McNair v. National Collegiate Athletic Assn.* (2015) 234 Cal.App.4th 25, 31 (cleaned up); see *In re Marriage of Nicholas* (2010) 186 Cal.App.4th 1566, 1575 [strong presumption of public access to court records]; see California Rules of Court, rule 2.550(c)-(d).)

Rule of Court 2.550(d) provides,

"The court may order that a record be filed under seal only if it expressly finds facts that establish:

- (1) There exists an overriding interest that overcomes the right of public access to the record;
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; sealed;
- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest."

However, Rule 2.550(a)(3) states, "These rules do not apply to discovery motions and records filed or lodged in connection with discovery motions or proceedings. However, the rules do apply to discovery materials that are used at trial or submitted as a basis for adjudication of matters other than discovery motions or proceedings."

Here, the Court ordered the parties to file the 6/14/24 joint statement to assist the Court in resolving the parties' discovery dispute. The declaration of Michael Williams, filed under ROA 416, demonstrates that portions of the joint statement and exhibits reflect a licensing agreement which contains a confidentiality

provision barring Vizio from disclosure. The Williams declaration also shows that portions of the attached deposition transcript discuss Vizio's proprietary information.

The motion is unopposed. Vizio has made an adequate showing supporting its request to seal pursuant to Rule 2.550. Therefore, the motion is granted.

**Motion to Compel Further Responses to Requests for Production, Set One continued to 01/30/2025 at 10:00a.m. in Department C33.**

Discussions ensue as to scheduling matter for Court Trial.

The estimated length of trial: 5 to 7 day

**The Pretrial Conference is scheduled for 09/04/2025 at 09:00 AM in Department C33.**

**The Court Trial is scheduled for 09/15/2025 at 09:00 AM in Department C33.**

Parties waive notice.

ADDITIONAL EVENTS:

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EVENT ID/DOCUMENT ID: 74426885

**EVENT TYPE:** Motion to Compel Answers to Form Interrogatories

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EVENT ID/DOCUMENT ID: 74426886

**EVENT TYPE:** Motion to Compel Further Responses to Special Interrogatories