

1 **WO**

2

3

4

5

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8

9 Leanna Smith,

No. CV 10-01632-PHX-FJM

10 Plaintiff,

**ORDER**

11 vs.

12

13 Barrow Neurological Institute of St.)  
14 Joseph's Hospital and Medical Center, et  
15 al.,

16 Defendants.

17

18 We have before us defendants' motion to file under seal (doc. 133). Banner Health  
19 System and Scott Elton, M.D. ("Banner defendants") move for leave to file their motion for  
20 summary judgment and supporting statement of facts under seal. These documents quote  
21 from juvenile court records.

22

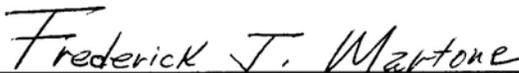
23 There is a "strong presumption in favor of access" to court records, including motions  
24 for summary judgment and related attachments. Kamakana v. City & Cnty. of Honolulu, 447  
25 F.3d 1172, 1179 (9th Cir. 2006). To overcome this burden, a party seeking to seal a judicial  
26 record "must articulate compelling reasons supported by specific factual findings that  
27 outweigh the general history of access and the public policies favoring disclosure." Id. at  
28 1178-79 (brackets, internal quotation marks, and citations omitted). Compelling reasons  
exist when "'court files might have become a vehicle for improper purposes,' such as the use  
of records to gratify private spite, promote public scandal, circulate libelous statements, or

1 release trade secrets." Id. at 1179.

2 Banner defendants claim the records should be sealed because publicly releasing the  
3 information could embarrass, harass, or otherwise harm the children. Juvenile court records  
4 and proceedings are generally confidential. See, e.g., A.R.S. §§ 8-208(F) ("Except as  
5 otherwise provided by law, the records of an adoption, severance or dependency proceeding  
6 shall not be open to public inspection."); 8-537(A) (excluding general public from  
7 termination adjudication hearing). Public policy favors the protection of minors' privacy in  
8 such sensitive matters. Compelling reasons exist for sealing these documents.

9 **IT IS ORDERED GRANTING** Banner defendants' motion to file under seal (doc.  
10 133).

11 DATED this 20<sup>th</sup> day of April, 2012.

12  
13   
14 \_\_\_\_\_  
15 Frederick J. Martone  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28