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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Peter Strojnik,

10 Plaintiff,

11 v.

12 Driftwood Hospitality Management LLC, et
13 al.,

14 Defendants.

No. CV-20-01532-PHX-DJH

ORDER

15 Pending before the Court in this consolidated action is Defendants Xenia Hotels and
16 Resorts, Inc.; XHR Phoenix Palms, LLC; and XHR Scottsdale Ranch, LLC's (collectively
17 "Xenia") Motion to File Fee Agreements Under Seal (Doc. 85). Plaintiff has not filed a
18 response, but one is not necessary. The Motion is denied.

19 The public has a general right to court documents, but this right is not absolute.
20 *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). A party
21 seeking to seal a document must give compelling reasons supported by specific factual
22 findings. *Id.* Generally, compelling reasons exist when documents might become "a
23 vehicle for improper purposes" *Id.* at 1179 (quoting *Nixon v. Warner Commc'ns, Inc.*,
24 435 U.S. 589, 598 (1978)).

25 Xenia seeks to seal its fee agreement with counsel because it "contains confidential
26 information relating to the nature of the case, the nature of the representation and the scope
27 and terms of counsel's engagement." (Doc. 85 at 3). Xenia argues that this information is
28 meant to be communicated between an attorney and client and that there "is little if any

1 benefit that the public would glean” from seeing the agreement. (*Id.*)

2 The Court finds, Xenia has not demonstrated how the fee agreements could be used
3 for an improper purpose. Furthermore, the public’s right to court documents is not
4 overcome just because a party thinks the public would have little to glean from the
5 documents in question. Therefore, Xenia has not provided compelling reasons or specific
6 facts warranting a seal of its fee agreements.

7 Accordingly,

8 **IT IS HEREBY ORDERED** that Xenia’s Motion to File Fee Agreements Under
9 Seal (Doc. 85) is **denied**.

10 **IT IS FURTHER ORDERED** that Xenia shall file its fee agreements, as directed
11 by the Court’s prior Order (Doc. 83) on the public record within three (3) days of this
12 Order’s entry.

13 Dated this 19th day of November, 2021.

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17 Honorable Diane J. Humetewa
18 United States District Judge
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