

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 19-10056-MCS-KS Date: January 8, 2021

Title *Frank A. Acuna v. Quicken Loans Inc. et al.*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: PLAINTIFF’S
COUNSEL’S FAILURE TO FOLLOW THE COURT’S PROCEDURES FOR
SEALING OF DOCUMENTS**

On December 23, 2020, Plaintiff’s current counsel, Mr. Klein filed a Sealed Application to Modify the Court’s December 8, 2020 Order re: Discovery Hearing (“Sealed Application”). (*See* Dkt. No. 86.) On December 28, 2020, the Court issued an order striking the Sealed Application from the record due to counsel’s failure to comply with the Court’s procedures and Local Rule 79-5 regarding the procedures for sealing of a civil document. (Dkt No. 87.)

On December 29, 2020, Mr. Klein filed yet another purportedly “sealed” document, a Status Report re: December 8, 2020 Order, again without complying with Local Rule 79-5 or the Court’s procedures regarding sealing. (Dkt No. 89.) On January 8, 2021, the Court struck the document from the record for failure to obtain Court authorization to file the document under seal. (Dkt. No. 90.)

The Central District’s Local Rules require that “[a] person seeking to have a case or document sealed must follow the procedures set forth below.” L.R. 79-5.1. The Local Rules further state: “Unless otherwise indicated in this [rule] no case or document may be filed under seal without first obtaining approval by the Court.” L. R. 79-5.2. Further, there is a strong presumption of public access to court records. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). “Unless a particular court record is one traditionally kept secret, a strong presumption in favor of access is the starting point.” *Id.* For records attached to a non-dispositive motion, a particularized showing of “good cause” is sufficient to justify keeping the

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records under seal. *Id.* at 1180. Here, in his two attempts to file purportedly “sealed” status reports, Plaintiff’s counsel has not made any such showing.

Accordingly, Mr. Klein is **ORDERED TO SHOW CAUSE on or before January 15, 2021 why** the Court should not impose sanctions against Mr. Klein for repeated failure to follow the Local Rules and this Court’s procedures. Mr. Klein may discharge this order to show cause by filing on or before January 15, 2021, a request to file under seal that complies fully with the Court’s procedures and Local Rule 79-5 and demonstrates **good cause** for the Court to seal the related document(s). Alternatively, Mr. Klein may re-submit the Status Report re: December 8, 2020 without a request to seal the non-dispositive document.

Failure to comply with this Order, will result in contempt proceedings for failure to comply with a court order.

IT IS SO ORDERED.

Initials of Preparer

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