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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

GERALD CARLIN, JOHN RAHM, PAUL
ROZWADOWSKI and DIANA WOLFE,
individually and on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

DAIRYAMERICA, INC., and CALIFORNIA
DAIRIES, INC.

Defendants

Case No. 1:09-cv-00430-AWI-EPG

**ORDER DENYING PLAINTIFFS’
REQUEST TO SEAL DOCUMENTS
AND FILE REDACTED VERSION OR
BRIEFING WITHOUT PREJUDICE**

(Doc. 276)

On April 14, 2016, Plaintiff filed a Notice of Request to Seal Documents including a Request to File a Redacted Version of Plaintiffs’ Memorandum in Support of a Motion to Compel (attached as Exhibit A to the Joint Statement Regarding Discovery Disagreement (“Joint Statement”)), and Exhibits 1-7 which are attached to the Memorandum.

A review of the request reveals that the parties need to further meet and confer and determine what documents and information in the briefing requires redaction and/or sealing. For example, Plaintiffs request that large portions of their Memorandum (Exhibit A to the Joint Statement) be redacted pursuant to a protective order signed by the parties. However, a review of Defendants’ Memorandum, (attached as Exhibit B to the Joint Statement), reveals that similar information in their

1 briefing is not redacted, and no request has been made to do so. Moreover, similar documents that
2 Plaintiffs have requested be sealed in Exhibits 1-7, attached to their Memorandum, are also attached
3 to Defendants' Memorandum at Exhibits A-D, and no request to seal these documents have been
4 made by the Defendants.

5 The Court notes that the good cause standard of Rule 26(c) applies to the sealing of
6 documents attached to a non-dispositive motion. *Kamakana v. City and County of Honolulu*, 447
7 F.3d 1172, 1179-1180 (9th Cir. 2006). The Court's initial review of Plaintiff's request to file a
8 redacted version of the Memorandum does not appear to meet the good cause standard.

9 Accordingly, Plaintiffs' Request to Seal Documents is denied without prejudice. The parties
10 shall meet and confer and determine what, if any documents needs redaction and sealing, and file the
11 appropriate notice pursuant to Local Rule 141 no later than **April 29, 2016**. Only documents that are
12 part of a sealing request shall be sent to the chambers mailbox. Any document that does not require
13 sealing must be filed on the docket in order to be considered by the Court.

14 Relatedly, the Plaintiffs have emailed the Notice of the Motion to Compel to chambers.
15 Counsel are directed to Local Rule 251, particularly section (a), which outlines the proper procedures
16 to be followed to notice and properly file a discovery motion. The Court realizes that some of the
17 materials e-mailed to chambers were done so as part of the request to seal. However, some of the
18 materials (i.e., the notice of motion) do not contain sensitive information should have been filed on
19 the docket.
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