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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SABAS ARREDONDO, et al.,

CASE NO. 1:09-cv-01247-LJO-DLB

Plaintiff,

**ORDER ON PLAINTIFFS' REQUEST TO  
SEAL DOCUMENTS (Doc. 146)**

vs.

DELANO FARMS COMPANY, et al.,

Defendants.

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**I. INTRODUCTION**

Plaintiffs<sup>1</sup> have filed a class action suit against Defendants, Delano Farms Company (“Delano Farms”), Cal-Pacific Farm Management, L.P. (“Cal-Pacific”), T&R Bangi’s Agricultural Services, Inc. (“TR Bangi”), and Does 1 through 10.<sup>2</sup> Plaintiffs allege that Defendants violated the Migrant and Seasonal Agricultural Worker Protection Act and engaged in various unlawful employment practices.

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<sup>1</sup> Plaintiffs are Sabas Arredondo, Jose Cuevas, Hilario Gomez, Irma Landeros, Rosalba Landeros, and the class members. The class members are composed of:

All agricultural employees who are or have been employed, and who have worked one or more shifts as non-exempt hourly and/or piece rate workers for DELANO FARMS COMPANY, CAL-PACIFIC FARM MANAGEMENT, L.P. and/or T&R BANGI AG SERVICES, INC. in the State of California from four (4) years prior to the filing of this action.

Sabas Arredondo, Jose Cuevas, Hilario Gomez, Irma Landeros, Rosalba Landeros, and the class members will be referred to collectively as “Plaintiffs.”

<sup>2</sup> Delano Farms, Cal-Pacific, TR Bangi, and Does 1 through 10 will be referred to collectively as “Defendants.”

1 Delano Farms has filed a motion for summary judgment. Now pending before the Court is Plaintiffs'  
2 request to file certain documents under seal in connection with their opposition to Delano Farms' motion  
3 for summary judgment. For the reasons discussed below this Court, GRANTS Plaintiffs' request to seal  
4 documents.

## 5 II. DISCUSSION

6 Plaintiffs request to seal Exhibits A and B attached to their request to seal documents. (Notice  
7 at Doc. 146). Exhibit A contains various emails regarding the terms of Delano Farms and TR Bangi's  
8 contract; a copy of their labor agreement; and information about customers and business associates of  
9 Anderson & Middleton,<sup>3</sup> Delano Farms, and TR Bangi. Exhibit B is a copy of Mike Edminster's<sup>4</sup>  
10 deposition which provides testimony regarding the documents contained in Exhibit A. Plaintiffs also  
11 request the Court to seal portions of their yet to be filed opposition to Delano Farms' motion for  
12 summary judgment which will reproduce or paraphrase information from Exhibits A and B. Plaintiffs  
13 argue that the Court should grant their request to seal the documents because the documents contain  
14 trade secret information.

15 "Historically, courts have recognized a general right to inspect and copy public records and  
16 documents, including judicial records and documents." *Kamakana v. City and County of Honolulu*, 447  
17 F.3d 1172, 1178 (9th Cir. 2006) (internal quotation marks omitted). In the Ninth Circuit, there is a  
18 strong presumption in favor of access to court records. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331  
19 F.3d 1122, 1135 (9th Cir. 2003). Thus, a party seeking to seal a judicial record bears the burden of  
20 overcoming this strong presumption by meeting the "compelling reasons" standard. *Id.* at 1135. "That  
21 is, the party must articulate compelling reasons supported by specific factual findings that outweigh the  
22 general history of access and the public policies favoring disclosure, such as the public interest in  
23 understanding the judicial process." *Kamakana*, 447 F.3d at 1178-79 (internal quotation marks and  
24 citations omitted). In turn, the Court must balance the competing interests of the public and the party  
25 who seeks to keep the judicial records secret. *Id.* at 1179. "In general, 'compelling reasons' sufficient

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26 <sup>3</sup> Anderson & Middleton Company is a non-party witness to this action.

27 <sup>4</sup> Mike Edminster is the Secretary and Treasure of both the non-party witness Anderson & Middleton Company and  
28 Defendant Delano Farms.

1 to outweigh the public’s interest in disclosure and justify sealing court records exist when such ‘court  
2 files might . . . become a vehicle for improper purposes.’” *Id.* at 1179 *quoting Nixon v. Warner*  
3 *Communications Inc.*, 435 U.S. 589, 598 (1978). For instance, “courts have refused to permit their files  
4 to serve as . . . sources of business information that might harm a litigant’s competitive standing.”  
5 *Nixon*, 435 U.S. at 598.

6 Plaintiffs contend that Exhibits A and B, attached to their request to seal documents, and any  
7 reproduction of the information in Exhibits A and B in their opposition to Delano Farms’ motion for  
8 summary judgment, should be sealed because the documents reveal specific financial information  
9 regarding amounts paid to business associates of Anderson & Middleton and Delano Farms which could  
10 be used by competitors to erode Anderson & Middleton and Delano Farms’ competitiveness in the table  
11 grape industry. Plaintiffs also argue that information regarding the nature of the relationship between  
12 Delano Farms and TR Bangi could be used to gain an unfair competitive advantage by other table grape  
13 growers and farm labor contractors. Because the documents in Exhibits A and B contain discussions  
14 regarding Delano Farms contract with TR Bangi, including the financial terms of their agreement, the  
15 disclosure of this information could harm the parties’ competitive standing in their respective industries.  
16 *Nixon*, 435 U.S. at 598 (“courts have refused to permit their files to serve as . . . sources of business  
17 information that might harm a litigant’s competitive standing.”). Moreover, as Plaintiffs point out, the  
18 nature of the information in no way diminishes the public’s ability to determine the nature of the  
19 proceedings or matters at issue in this litigation. Accordingly, this Court finds that the presumption of  
20 public access to these records is outweighed by the potential harm to Defendants.

21 This Court GRANTS Plaintiffs’ request to seal Exhibits A and B attached to their request to seal  
22 documents and the portions of Plaintiffs’ opposition to Delano Farms’ motion for summary judgment  
23 which reproduce or paraphrase portions of Exhibits A and B.

### 24 **III. CONCLUSION AND ORDER**

25 For the reasons discussed above, this Court:

- 26 1. ORDERS the confidential documents attached to Plaintiffs’ request to seal documents  
27 and labeled as Exhibit A to be filed under seal;
- 28 2. ORDERS the transcript attached to Plaintiffs’ request to seal documents and labeled as

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Exhibit B to be filed under seal;

- 3. ORDERS the portions of Plaintiffs' opposition to Delano Farms' motion for summary judgment, which reproduce or paraphrase portions of Exhibits A or B, redacted from the publicly available version of Plaintiffs' opposition and any supporting documents filed; and
- 4. ORDERS Plaintiffs to email a complete, unredacted copy of its opposition to Delano Farms' motion for summary judgment to chambers, provide chambers a courtesy copy of the unredacted version (if the papers exceed 25 pages), and electronically serve Defendants an unredacted copy.

IT IS SO ORDERED.

**Dated: March 12, 2012**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE