

1 GREGORY S. GLAZER (SBN 172197)  
 gglazer@hkemploymentlaw.com  
 2 MONTE GRIX (SBN 241050)  
 mgrix@hkemploymentlaw.com  
 3 HIRSCHFELD KRAEMER LLP  
 233 Wilshire Boulevard, Suite 600  
 4 Santa Monica, CA 90401  
 Telephone: (310) 255-0705  
 5 Facsimile: (310) 255-0986

6 Attorneys for Defendants  
 SAN JOAQUIN VALLEY COLLEGE,  
 7 INC., a California Corporation, MELISSA  
 GRIMSLEY, an individual, and KERRIE  
 8 LILES, an individual

9 **UNITED STATES DISTRICT COURT**  
 10 **EASTERN DISTRICT**

12 DANIEL SWAN,  
 13 Plaintiff,

14 vs.

15 SAN JOAQUIN VALLEY  
 COLLEGE, INC., a California  
 16 corporation, MELISSA GRIMSLEY,  
 an individual, KERRIE LILES, an  
 17 individual, and DOES 1 through 20,  
 inclusive,  
 18 Defendants.

Case No. 13-cv-01073 LJO (GSAx)

**ORDER RE: DEFENDANT SAN  
 JOAQUIN VALLEY COLLEGE,  
 INC.'S REQUEST TO SEAL  
 DOCUMENTS IN RE: ITS MOTION  
 FOR SUMMARY JUDGMENT OR  
 IN THE ALTERNATIVE  
 SUMMARY ADJUDICATION**

**FED. R. CIV. PROC. 5.2, 26;  
 LOC. R. CT. 141**

**Date:** November 17, 2014  
**Time:** 8:30 a.m.  
**Judge:** Lawrence J. O'Neill  
**Ctrm:** 4

Complaint Filed: June 3, 2013

HIRSCHFELD KRAEMER LLP  
 ATTORNEYS AT LAW  
 SANTA MONICA

1           Having read and considered Defendant San Joaquin Valley College, Inc.’s,  
2 (“SJVC”) Request to Seal Documents, and for good cause showing, IT IS  
3 HEREBY ORDERED that the following documents, attached as exhibits to the  
4 specified declarations and filed as exhibits to such declarations in support of  
5 Defendant San Joaquin Valley College, Inc.’s Memorandum of Points and  
6 Authorities in Support of its Motion for Summary Judgment or in the Alternative  
7 Summary Adjudication, are to be filed under seal in connection with that filing:

8           **1. Three Exhibits to The Declaration of Monte Grix:**

- 9           • **Exhibit 1:** This exhibit contain the following excerpts of exhibits to  
10 the deposition of Kerrie Liles, either designated “confidential”  
11 pursuant to the Protective Order due to the fact that the information  
12 contained therein private student information protected under the  
13 Family Educational Rights and Privacy Rights Act, as well as  
14 constitutional and common law privacy rights:
- 15           ○ Exhibit 46, Bates-stamped SJVC245-264, 267-273, student  
16 records, including but not limited to internal memoranda and  
17 emails relating to Swan’s termination from SJVC.
  - 18           • **Exhibit 2:** This exhibit contains the following excerpts of exhibits to  
19 the deposition of Daniel Swan:
    - 20           ○ Exhibit 2, SJVC 365-366, Student Enrollment Agreement.
    - 21           ○ Exhibit 3, SJVC 377, Respiratory Therapy Terms of Enrollment.
    - 22           ○ Exhibit 4, SJVC 396, Respiratory Therapy Acknowledgment of  
23 Understanding.
    - 24           ○ Exhibit 9, SJVC 269-270, Clinical Timesheet.
    - 25           ○ Exhibit 12, Bates numbered SJVC 2247-2249, a report from the  
26 electronic student information database, or learning management  
27 system, Angel, showing the detailed grade entries of Plaintiff,  
28 Daniel Swan, along with comments regarding apparent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

plagiarism.

- Exhibit 13, SJVC 31, Unofficial Grade Transcript of Daniel Swan.
- Exhibit 15, SJVC 285, Plaintiff’s Appeal of Termination.
- Exhibit 16, SJVC 286, Email between Don Wright and Daniel Swan regarding Termination.
- Exhibit 17, SJVC 284, Letter denying Dan Swan’s Appeal of Termination.
- Exhibit 18, SJVC 255, Daniel Swan’s Written August 3, 2012 Complaint to SJVC.

• **Exhibit 4:** This exhibit contains the following excerpts of exhibits to the deposition of Adam LeFaive:

- Exhibit 35, SJVC 485-491 a report from the electronic student information database, or learning management system, Campus Vue, containing sensitive entries regarding complaints, disciplinary action, and the termination of Plaintiff from SJVC.

**2. One Exhibit To The Declaration of Alane Pearce:**

- **Exhibit 1:** This exhibit, Bates numbered SJVC 31, is the unofficial grade transcript of Plaintiff, Daniel Swan, at SJVC.

**SO ORDERED**  
**Dated: October 21, 2014**

**/s/ Lawrence J. O’Neill**  
**United States District Judge**