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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERROD FINDER, et al.,
Plaintiffs,

v.

LEPRINO FOODS COMPANY, et al.,

Defendants.

No. 1:13-cv-02059-AWI-BAM

**ORDER GRANTING PHILIP A. DOWNEY'S
REQUEST TO SEAL DOCUMENTS**

(Doc. No. 117)

Currently before the Court is the ex parte request by Philip A. Downey, counsel for Plaintiffs Isaias Vasquez and Linda Hefke, to file the "Declaration of Philip A. Downey ISO Unopposed Motion to Continue Hearing Date" and all documents attached thereto under seal pursuant to Local Rule 141. (Doc. No. 117.) For the reasons that follow, Mr. Downey's request is GRANTED.

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). "[J]udicial records are public documents almost by definition, and the public is entitled to access by default." *Id.* at 1180. This "federal common law right of access" to court documents generally extends to "all information filed with the court," and "creates a strong presumption in favor of access to judicial documents which can be overcome only by

1 showing sufficiently important countervailing interests.” Phillips ex. Rel. Estates of Byrd v. Gen.
2 Motors Corp., 307 F.3d 1206, 1212 (9th Cir. 2002) (citations and quotation marks omitted). Two
3 standards govern whether documents should be sealed: a “compelling reasons” standard, which
4 applies to dispositive motions, and a “good cause” standard, which applies to non-dispositive
5 discovery type motions. Kamakana, 447 F.3d at 1179; see also Pintos v. Pac. Creditors Ass'n,
6 605 F.3d 665, 677-78 (9th Cir. 2010). The “good cause” standard, which is applicable here,
7 presents a lower burden for the party wishing to seal documents. Pintos, 605 F.3d at 678. Courts
8 determine whether good cause exists to protect the information from being disclosed to the public
9 by “balancing the needs for discovery against the need for confidentiality.” Id. (quoting Phillips,
10 307 F.3d at 1213).

11 Mr. Downey asserts that there is good cause to seal the documents at issue because they
12 “concern[] health information relating to members of [Mr. Downey’s] immediate family” who are
13 non-parties to this case. (Doc. No. 117.) Having considered the documents at issue, the Court
14 concludes that counsel has sufficiently shown good cause for filing under seal. Accordingly,
15 good cause being shown, Mr. Downey’s request to seal is HEREBY GRANTED. The Court
16 orders that the “Declaration of Philip A. Downey ISO Unopposed Motion to Continue Hearing
17 Date” and the documents attached thereto be filed and maintained under seal. Mr. Downey will
18 email the documents requested to be sealed to ApprovedSealed@caed.uscourts.gov for filing
19 under seal.

20 IT IS SO ORDERED.

21 Dated: November 26, 2019

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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