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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NORMA MADRIGAL,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, et al.,

Defendants.

Case No. 1:15-cv-00809-SAB

ORDER DENYING DEFENDANT’S
REQUEST TO SEAL DOCUMENTS

(ECF No. 58)

FIVE-DAY DEADLINE

On January 31, 2017, Defendant Nationstar Mortgage LLC filed a motion for summary judgment along with a request to file documents in support of the motion under seal.

Courts have long recognized a “general right to inspect and copy public records and documents, including judicial records and documents.” Kamakana v. City & Cnty. 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)). Nevertheless, this access to judicial records is not absolute. Kamakana, 447 F.3d at 1172. The court has recognized a category of documents that is not subject to the right of public access because the documents have “traditionally been kept secret for important policy reasons.” Times Mirror Co. v. United States, 873 F.2d 1210, 1219 (9th Cir. 1989). Where documents such as those presented here are accompanying a motion for resolution of disputes on the merits that “is at the heart of the interest in ensuring the ‘public’s understanding of the judicial process and of significant public events[,] . . . “ ‘compelling reasons’ must be shown to

1 seal judicial records attached to a dispositive motion.” Kamakana, 447 F.3d at 1179.

2 The party seeking to have the document sealed must present “articulable facts”
3 identifying the interests that favor secrecy and show that these specific interests overcome the
4 presumption of access because they outweigh the public’s interest in understanding the judicial
5 process. Kamakana, 447 F.3d at 1180. The Court starts from the strong presumption in favor of
6 access to public records and then considers whether the party seeking to have the record sealed
7 has demonstrated a compelling reason to have the record sealed. Id. at 1178-79. This requires
8 the Court to conscientiously balance the competing interests of the public in accessing the
9 records and the party who seeks to keep the records secret. Id. at 1179. The Court is required to
10 “articulate the factual basis for its ruling, without relying on hypothesis or conjecture.” Id.
11 (citations omitted).

12 Defendant moves to seal the documents pursuant to the Gramm-Leach-Bliley Act, 15
13 U.S.C. § 6801, et seq., the California Financial Information Privacy Act, Financial Code § 4050,
14 et. seq. and Article I, section I, of the California Constitution. Defendant contends that the
15 documents, which include a nonparty’s name, address, and financial information, should be
16 sealed because a nonparty is entitled to greater privacy protection of his/her nonpublic personal
17 information. Since the nonparty has no connection to this litigation whatsoever, every protection
18 possible, including sealing of the declaration and exhibits, should be imposed on the declaration
19 of Nationstar along with the exhibits and declaration of Ashley E. Calhoun along with the
20 exhibits in support of its motion for summary judgment.

21 To the extent that Defendant is seeking to have the documents sealed because they were
22 marked as confidential pursuant to the protective order, the fact that a party designates a
23 document as confidential does not demonstrate good cause, much less a compelling reason
24 outweighing the public interest in accessing the records. A non-party may not rely on a blanket
25 protective order between the parties and a blanket protective order is not a compelling reason to
26 seal court records. Foltz v. State Farm Mutual Automobile Insurance Co., 331 F.3d 1122, 1138
27 (9th Cir. 2003.) The Court will not order documents sealed merely because a party designates
28 them as confidential.

1 The first document which Defendant seeks to have sealed is the request for admissions
2 propounded to Plaintiff and accompanying exhibits. “Simply mentioning a general category of
3 privilege, without any further elaboration or any specific linkage with the documents, does not
4 satisfy the burden” to show compelling reasons to seal the documents. Kamakana, 447 F.3d at
5 1184. Upon review of these documents, the Court finds that they do mention Plaintiff’s ex-
6 husband’s name and the address of the property, however this information is already in the
7 public record. (See ECF Nos. 1 at 22, 11 at 24, 15 at 4, 16 at Exhibit 1, ECF No. 23 at 5, ECF
8 No. 23-2.) Additionally, the Court does not find any personal financial information related to
9 Plaintiff or her ex-husband in the documents. While the documents set forth the monthly loan
10 payments and breakdown of the payments, this information is set forth within Defendant’s
11 motion. The request to seal the request for admissions and documents attached shall be denied
12 as the Court finds that Defendant has not demonstrated that compelling reasons exist to seal the
13 documents.

14 Defendant also seeks to seal Plaintiff’s deposition. However, to the extent that
15 information exists within the deposition which could potentially be entitled to protection,
16 Defendant’s request to seal the entire deposition transcript is overbroad. If there is specific
17 testimony in the deposition that would be entitled to protection, redaction of the specific
18 testimony would be appropriate rather than sealing the entire transcript. Defendant may renew
19 the request identifying the specific testimony that is alleged to be entitled to protection and
20 identifying the compelling reason that exists to redact the information.

21 The Court finds that Defendant has not met its burden of presenting “articulable facts”
22 identifying the interests that favor secrecy and show that these specific interests overcome the
23 presumption of access because they outweigh the public’s interest in understanding the judicial
24 process. Kamakana, 447 F.3d at 1180.

25 Based on the foregoing, IT IS HEREBY ORDERED that:

- 26 1. Defendant’s motion to file documents under seal is DENIED;
- 27 2. Within five days from the date of entry of this order, Defendant shall:
 - 28 a. file a renewed motion to file documents under seal specifically identifying the

