





1 quotation marks, and emphasis omitted); *see also Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665,  
2 679 (9th Cir. 2010), *cert. denied sub nom. Experian Info. Solutions, Inc. v. Pintos*, 562 U.S. 1134  
3 (2011) (vacating and remanding district court's denial of a sealing request where the court applied  
4 merely the good cause standard in addressing documents filed in connection with summary  
5 judgment motions).

6 "In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure  
7 and justify sealing court records exist when such 'court files might become a vehicle for improper  
8 purposes,' such as the use of records to gratify private spite, promote public scandal, circulate  
9 libelous statements, or release trade secrets." *Kamakana*, 447 F.3d at 1179 (quoting *Nixon v.*  
10 *Warner Commc'ns., Inc.*, 435 U.S. 589, 589 (1978)). "The 'compelling reasons' standard is  
11 invoked even if the dispositive motion, or its attachments, were previously filed under seal or  
12 protective order." *Id.*

### 13 **DISCUSSION**

14 The court finds plaintiff's request for leave to seal documents is insufficient and fails to  
15 establish a compelling reason for secrecy. Plaintiff's request is based solely on the fact that the  
16 documents he plans to file under seal reference material produced and designated by the  
17 defendants as confidential material under the stipulated protective order entered in this case.  
18 Moreover, plaintiff notes that he takes no position regarding whether and which documents or  
19 portions thereof should be filed under seal. Plaintiff's showing does not rise to the level of  
20 "compelling reasons" sufficiently specific to bar public access to these documents. *See*  
21 *Kamakana*, 447 F.3d at 1182.

22 Moreover, any wholesale sealing can rarely be justified, especially in connection with a  
23 dispositive motion. To the extent the secrecy of certain documents referred to in the points and  
24 authorities and other documents filed in connection with plaintiff's anticipated opposition to  
25 defendants' summary judgment motion is warranted, the court suggests that the parties consider  
26 properly tailoring and limiting the request to file under seal to those materials for which  
27 "compelling reasons" for sealing can be demonstrated. In this regard, plaintiff may also consider  
28 publicly filing his legal submissions in redacted form in accordance with Local Rule 140, along

1 with a proposed order to seal the unredacted version in accordance with Local Rule 141.

2 **CONCLUSION**

3 For these reasons, plaintiff's request to seal documents is denied without prejudice to its  
4 renewal based upon a proper showing. *See* Local Rule 141(e). The court, however, also  
5 recognizes that defendants here are likely better situated to make the required showing for sealing  
6 than is plaintiff. To that end, the undersigned will only consider future requests to seal or redact  
7 filed by the proponent of sealing or redaction. If a party plans to file documents that include  
8 material a separate producing party has identified as confidential and potentially subject to  
9 sealing, the filing party shall provide the producing party with sufficient notice in advance of  
10 filing to allow for the producing party to seek an order of sealing or redaction from the court. The  
11 parties should note that protective orders covering the discovery phase of litigation do not govern  
12 the filing of sealed or redacted documents on the public docket, which are instead governed by  
13 Local Rules 140 and 141.

14 IT IS SO ORDERED.

15 Dated: June 2, 2017

16   
17 \_\_\_\_\_  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28