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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JANE DOE,

 Plaintiff,

 v.

COUNTY OF KERN, et al.,

 Defendants.

Case No.: 1:15-CV-01641 JLT

ORDER GRANTING REQUEST TO SEAL
(Doc. 53)

Before Court is the request, lodged by Defendant Anderson, to file under seal plaintiff’s prospective motion for summary adjudication and supporting evidence and other pieces of evidence intended for use to counter the evidence. (Doc. 53) For the reasons set forth below, the request is **GRANTED**.

I. Legal Authority

Generally, documents filed on the docket are presumed to be available to the public. EEOC v. Erection Co., 900 F.2d 168, 170 (9th Cir. 1990); see also Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178 (9th Cir.2006); Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d 1122, 1134 (9th Cir.2003). Documents may be sealed only when the compelling reasons for doing so outweigh the public’s right of access. EEOC at 170. In evaluating the request, the Court considers the “public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or

1 infringement upon trade secrets.” Valley Broadcasting Co. v. United States District Court, 798
2 F.2d 1289, 1294 (9th Cir. 1986).

3 This case involves serious charges that the plaintiff was subject to sexual assault by
4 Anderson. As a result of these assertions and because the plaintiff was a minor at the time of the
5 events, she filed the matter using the pseudonym “Jane Doe.” Notably, Anderson was not entitled
6 to any shielding of his identity despite that, of course, at the time of filing of the lawsuit, the
7 plaintiff was not obligated to present any evidence to support her claims and despite that Anderson
8 denies her claims.

9 Anderson asserts now that allowing the plaintiff’s motion and the evidence to be used in
10 support and in opposition to it to be made public would subject him to scorn and to possible
11 adverse employment consequences based upon what he asserts is an evil motive by the plaintiff.
12 More convincingly, Anderson notes that much of the evidence upon which the motion is based
13 relies upon investigations conducted by Internal Affairs investigators of the Kern County
14 Probation Department and involves statements given by children. The Court concludes the
15 documents should be filed under seal.

16 First, as noted by the plaintiff, this action was filed by her without using her true name.
17 Many of the documents at issue reveal her identity in violation of her entitlement that this remain
18 secret.

19 Second, under California law, juvenile court records are confidential. Cal. Welf & Instit.
20 Code § 827. Included in these confidential records are those held by the agency or law
21 enforcement. *In re Lorenza P.*, 197 Cal.App.3d 607, 610 (1988). The purpose of this
22 confidentiality is to protect children from the consequences of public display of acts and decisions
23 that might not have been the children’s own or were done or made when they were not fully
24 capable of understanding the impacts of their choices. In short, as a society, we have decided that
25 children deserve privacy so that their mistakes and the wrongful acts of others that cause them
26 harm do not subject them to public scrutiny or scorn.

27 Along these lines, the Court notes that much of the evidence relied upon related to the
28 motion, involve juveniles giving statements to investigators. There is no justification that the

1 Court can see to subject juvenile-witnesses to public view. Likewise, as the plaintiff has availed
2 herself of the protections of secrecy of her identity, the Court is not unconvinced that the assertions
3 against Anderson should not also be held in secret.

4 Third, the great bulk of the evidence upon which the motion relies, is made up of
5 investigations conducted by Internal Affairs. Once again, California law makes these
6 investigations confidential. Cal. Pen. Code §§ 832.7, 832.8; Cal. Gov. Code §§ 3305, 3306;
7 *Sacramento Police Officers Assn. v. Venegas*, 101 Cal.App.4th 916, 928 (2002).

8 Due to the differences in California and federal law, the Court has granted the parties the
9 right to use the juvenile records and the otherwise confidential personnel records of Anderson.
10 (Doc. 44) However, this right was not wholesale. Rather, the Court expressly indicated that the
11 parties would maintain the confidentiality of all of these records. (Doc. 44) This action is
12 designed to find the truth as to what happened; it is not an opportunity to subject the parties and
13 third-party witnesses to the scorn, humiliation and harassment that public view of these records
14 would certainly impose. Thus, after reviewing the records, the Court will **GRANT** the request.
15 The documents identified by Anderson **SHALL** be filed under seal.¹

16 **ORDER**

17 Based upon the foregoing, the Court **ORDERS**:

- 18 1. Anderson's request to file under seal documents (Doc. 53) is **GRANTED**²;
- 19 2. If the plaintiff wishes, she may give notice and file a notice of motion to reflect that
20 Exhibit N is her operative motion for summary adjudication.

21
22 IT IS SO ORDERED.

23 Dated: March 3, 2017

/s/ Jennifer L. Thurston
24 UNITED STATES MAGISTRATE JUDGE

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¹ This order makes no attempt to determine how evidence will be handled at trial or whether any other records will
28 also be sealed. It addresses *only* the question presented here.

² In doing so, the Court notes that the document initially identified as Exhibit M has been withdrawn. Thus, the
documents to be sealed include Exhibits A through L and N to the lodged request for sealing.