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

BUDDY WRIGHT,	)	Case No.: 1:16-cv-01214 LJO JLT
	)	
Plaintiff,	)	ORDER GRANTING REQUEST TO FILE
	)	ADMINISTRATIVE RECORD UNDER SEAL
v.	)	(Doc. 23)
	)	
TEHACHAPI UNIFIED SCHOOL	)	
DISTRICT, et al.,	)	
	)	
Defendants.	)	

This action arises under the Individuals with Disabilities Education Improvement Act. Plaintiff.  
(Doc. 1)

The parties seek to have the Court file the administrative record under seal. (Doc. 23 at 2) The parties’ concern is that redaction of the record for personal identifiers is likely to be ineffective due to the number of redactions necessary and the number of pages in the record. Moreover, the record contains confidential medical, psychological and educational information related to the child’s disability and other documents which bear on these issues and which are “sensitive and highly personal in nature.” Id. at 3-4. Moreover, if the record is not sealed, the parties’ contend that the child’s identity will be easily identified through other information that Local Rule 140(a) does not permit to be redacted. Id. at 4. The child also relies upon the Family Education Rights and Privacy Act which provides for the protection of the child’s and his family’s privacy interests and upon the health Insurance Portability and Accountability Act. (Doc. 23 at 4-6)

1 The request to seal documents is controlled by Federal Rule of Civil Procedure 26(c). The Rule  
2 permits the Court to issue orders to “protect a party or person from annoyance, embarrassment,  
3 oppression, or undue burden or expense, including . . . requiring that a trade secret or other confidential  
4 research, development, or commercial information not be revealed or be revealed only in a specified  
5 way.” Only if good cause exists may the Court seal the information from public view after balancing  
6 “the needs for discovery against the need for confidentiality.” Pintos v. Pac. Creditors Ass’n, 605 F.3d  
7 665, 678 (9th Cir. Cal. 2010) (quoting Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d  
8 1206, 1213 (9th Cir. 2002)).

9 Presumptively, documents filed in civil cases are to be available to the public. EEOC v.  
10 Erection Co., 900 F.2d 168, 170 (9th Cir. 1990); see also Kamakana v. City and County of Honolulu,  
11 447 F.3d 1172, 1178 (9th Cir.2006); Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d 1122, 1134 (9th  
12 Cir.2003). The Court may seal documents only when the compelling reasons for doing so outweigh the  
13 public’s right of access. EEOC at 170. In evaluating the request, the Court considers the “public  
14 interest in understanding the judicial process and whether disclosure of the material could result in  
15 improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.”  
16 Valley Broadcasting Co. v. United States District Court, 798 F.2d 1289, 1294 (9<sup>th</sup> Cir. 1986).

17 As noted above, Plaintiff seeks to seal documents that list the child’s name and other identifiers.  
18 The record has this information listed throughout making redaction impractical. Likewise, the  
19 information contained in the record is highly sensitive and is deserving of confidentiality. Moreover,  
20 the parties jointly agree that the record should be filed under seal.<sup>1</sup> Thus, the Court finds a compelling  
21 need for the information contained in the record to remain private.

## 22 ORDER

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

- 24 1. The request to file the administrative record under seal (Doc. 23) is **GRANTED**;
- 25 2. **No later than April 3, 2017**, Plaintiff **SHALL** e-mail the administrative record to

26 \_\_\_\_\_  
27 <sup>1</sup> Counsel are advised that this order does not preclude the Court from issuing orders on the public docket which  
28 discusses information contained in the sealed administrative record. On the other hand, the Court may issue orders  
under seal temporarily and give the parties an opportunity to recommend redactions for the public version of the order.  
In this event, failing to recommend redactions may result in the Court docketing the full order, which would open the  
confidential information public review.

1 [ApprovedSealed@caed.uscourts.gov](mailto:ApprovedSealed@caed.uscourts.gov) to allow the Clerk of the Court to file it under **SEAL**. Each  
2 document included in the administrative record must be submitted in PDF format. No file submitted  
3 for sealing may exceed 10MB. Thus, as necessary, the administrative record may be broken up into  
4 files not exceeding 10 MB.

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6 IT IS SO ORDERED.

7 Dated: March 31, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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