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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO RODRIGUEZ, et al.,
Plaintiffs,
v.
DANELL CUSTOM HARVESTING, LLC, et
al.,
Defendants.

Case No. 1:16-cv-01848-SAB
ORDER REQUIRING PLAINTIFFS TO
FILE BILLING RECORDS IN PUBLIC
RECORD OR FILE REQUEST TO SEAL
(ECF No. 45)
DEADLINE: JUNE 15, 2018

On June 8, 2018, Plaintiffs filed a motion for final approval of class action settlement. As part of their motion, Plaintiffs have included supplemental declarations of Enrique Martinez and Jocelyn Sperling to support their request for attorney fees. (ECF Nos. 45-6, 45-7.) The exhibits attached to these supplemental declarations are billing records submitted for in camera review. (ECF Nos. 45-6 at 3, 45-7 at 3.) The actual billing records were not filed in the record, but were submitted for in camera review because Plaintiffs allege that they are privileged.

However, in camera review is not the proper mechanism for the Court to review a document in support of a motion for final approval of a class action settlement when a party believes the document should remain out of the public record. Local Rule 140(d) provides that “counsel may seek to submit an unredacted document containing protected information for review by the Court. In such an event, counsel is required to file a motion to file the document under seal. See L.R. 141”

1 Therefore, to the extent that Plaintiffs wanted to submit an unredacted document
2 containing protected information for review by the Court, Plaintiffs should have requested to file
3 the billing records under seal pursuant to Local Rule 141. Local Rule 141 describes the process
4 for sealing documents, including filing a notice of request to seal documents and submitting the
5 request to seal documents and the proposed order.

6 Courts have long recognized a “general right to inspect and copy public records and
7 documents, including judicial records and documents.” Kamakana v. City & Cnty. of Honolulu,
8 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Commc’ns, Inc., 435 U.S. 589,
9 597 & n. 7 (1978)). Nevertheless, this access to judicial records is not absolute. Kamakana, 447
10 F.3d at 1172. The court has recognized a category of documents that is not subject to the right of
11 public access because the documents have “traditionally been kept secret for important policy
12 reasons.” Times Mirror Co. v. United States, 873 F.2d 1210, 1219 (9th Cir. 1989). Where
13 documents such as those presented here are accompanying a motion for resolution of disputes on
14 the merits that “is at the heart of the interest in ensuring the ‘public’s understanding of the
15 judicial process and of significant public events[,] . . . “ ‘compelling reasons’ must be shown to
16 seal judicial records attached to a dispositive motion.” Kamakana, 447 F.3d at 1179.

17 The party seeking to have the document sealed must present “articulable facts”
18 identifying the interests that favor secrecy and show that these specific interests overcome the
19 presumption of access because they outweigh the public’s interest in understanding the judicial
20 process. Kamakana, 447 F.3d at 1180. The Court starts from the strong presumption in favor of
21 access to public records and then considers whether the party seeking to have the record sealed
22 has demonstrated a compelling reason to have the record sealed. Id. at 1178-79. This requires
23 the Court to conscientiously balance the competing interests of the public in accessing the
24 records and the party who seeks to keep the records secret. Id. at 1179. The Court is required to
25 “articulate the factual basis for its ruling, without relying on hypothesis or conjecture.” Id.
26 (citations omitted). A blanket protective order is not a compelling reason to seal court records.
27 Foltz v. State Farm Mutual Automobile Insurance Co., 331 F.3d 1122, 1138 (9th Cir. 2003.) The
28 Court will not order documents sealed merely because a party designates them as confidential.

1 The Court will not consider any of the billing records submitted for in camera review
2 unless they are filed in the public record or a request to seal is granted.

3 Based on the foregoing, IT IS HEREBY ORDERED that on or before June 15, 2018,
4 Plaintiffs shall either:

- 5 a. Submit a request to seal the billing records that is in compliance with Local Rule
6 141; or
- 7 b. File the billing records in the public record.

8 IT IS SO ORDERED.

9 Dated: June 11, 2018


UNITED STATES MAGISTRATE JUDGE

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