

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY COX,

Plaintiff,

v.

ROADRUNNER INTERMODAL  
SERVICES, LLC, a Delaware limited  
liability company, CENTRAL CAL  
TRANSPORTATION, LLC, a Delaware  
limited liability company, and DOES 1  
through 50,

Defendants.

No. 1:17-cv-01207-DAD-BAM, 1:17-cv-  
01056-DAD-BAM (consolidated)

ORDER PERMITTING FURTHER BRIEFING  
REGARDING JEFFREY COX'S REQUEST  
TO SEAL

(Doc. No. 182)

ROADRUNNER INTERMODAL  
SERVICES, LLC, a Delaware limited  
liability company,

Counter-Plaintiff and  
Defendant,

v.

JEFFREY COX,

Counter-Defendant and  
Plaintiff.

1 ROADRUNNER INTERMODAL  
2 SERVICES, LLC, a Delaware limited  
3 liability company,  
4 Plaintiff,  
5 v.  
6 T.G.S. TRANSPORTATION, INC., a  
7 California corporation, and DOES 1-10,  
8 Defendants.

9 On February 19, 2019, Roadrunner Intermodal Services, LLC (“Roadrunner”) filed a  
10 motion for summary judgment. (Doc. No. 175.) In connection with that motion, Roadrunner  
11 filed a request to seal, seeking to have certain exhibits attached to its motion for summary  
12 judgment filed under seal. (Doc. No. 176). After considering Roadrunner’s submissions, the  
13 court requested further briefing addressing the request to seal to be filed by March 8, 2019.  
14 (Doc. No. 177.) Roadrunner has not yet submitted supplemental briefing addressing what  
15 compelling reasons exist to shield the material from public disclosure.

16 On March 5, 2019, Jeffrey Cox (“Cox”) filed an opposition to defendants’ motion for  
17 summary judgment. (Doc. No. 181.) Cox also filed a separate request to seal certain exhibits  
18 submitted with that opposition. (Doc. No. 182.) However, Cox did not provide a compelling  
19 reason for sealing and merely stated that the documents in question include confidential  
20 information pursuant to the protective order issued in this case. (*Id.* at 2.) As discussed in the  
21 court’s earlier order, sealing of a document is not automatically appropriate merely because the  
22 document was produced as “confidential” pursuant to a protective order. (*See* Doc. No. 117 at  
23 4–5.)

24 The legal standards for filing documents under seal or for filing redacted documents on  
25 the docket have been thoroughly discussed by the court in its prior orders and will not be restated  
26 here. (*See* Doc. No. 177.) As previously discussed, the court cannot order documents to be filed  
27 under seal without a compelling reason for doing so. However, the court acknowledges that  
28 parties other than plaintiff Cox, including defendant Roadrunner, may be better equipped to  
explain why these documents should be filed under seal. Therefore, the court will accept  
additional briefing addressing this issue within fourteen days of the date of this order. That

1 supplemental briefing shall not exceed fifteen pages in length. Additional briefing shall address  
2 the issues discussed in the court's prior order. (*See* Doc. No. 177.) The parties are directed to  
3 notify the court if they do not wish to submit supplemental briefing, in which case, the documents  
4 will be filed in their original format on the public docket.<sup>1</sup>

5 Finally, all parties are once again directed to take note of the requirements of Local Rule  
6 141, which sets forth the appropriate procedure for submitting requests to seal. Specifically, the  
7 court notes that if a party seeks to file documents under seal, it must still send such documents to  
8 the court in an unredacted format. Therefore, Cox is directed to immediately send unredacted  
9 versions of the documents covered by his sealing request to the court or inform the court why he  
10 is unable to do so.

11 IT IS SO ORDERED.

12 Dated: March 6, 2019

13   
14 \_\_\_\_\_  
15 UNITED STATES DISTRICT JUDGE

16  
17  
18  
19  
20  
21  
22  
23  
24 \_\_\_\_\_  
25 <sup>1</sup> In his request to seal, Cox stated that he requested permission from opposing counsel to file the  
26 documents on the public docket but did not receive permission to do so prior to the deadline for  
27 filing of the opposition to defendant's motion for summary judgment. (Doc. No. 182 at 2.) Cox  
28 acknowledged that he had provided limited notice to opposing counsel prior to filing his request  
to seal. (*Id.*) In the future, the parties are directed to communicate in advance of any motion  
deadlines as to such issues. Future requests to seal unaccompanied by a statement establishing  
compelling reason will be summarily denied, and the documents will either be filed on the public  
docket in an unredacted format or returned to the submitting party.