

1 On March 20, 2018, Defendants filed their opposition to the emergency motion. (ECF No.
2 19). Defendants also filed a request to seal certain exhibits attached to their opposition. (ECF No.
3 18).

4 Federal Rules of Civil Procedure 5.2(d) provides that the Court may order that a filing be
5 made under seal without redaction. In turn, Local Rule 141 provides, “Documents may be sealed
6 only by written order of the Court, upon the showing required by applicable law.”

7 As a general rule, the public is permitted ‘access to litigation documents and information
8 produced during discovery.’” *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d
9 417, 424 (9th Cir. 2011) (quoting *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210 (9th
10 Cir.2002) and citing *San Jose Mercury News, Inc. v. U.S. Dist. Court*, 187 F.3d 1096, 1103 (9th
11 Cir. 1999)). “Unless a particular court record is one ‘traditionally kept secret,’ a ‘strong
12 presumption in favor of access’ is the starting point.” *Kamakana v. City and Cnty. of Honolulu*,
13 447 F.3d 1172, 1178 (9th Cir.2006) (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d
14 1122, 1135 (9th Cir.2003)). In order to overcome this strong presumption, a party seeking to seal
15 a judicial record must articulate justifications for sealing that outweigh the historical right of
16 access and the public policies favoring disclosure. *See id.* at 1178–79.

17 The Ninth Circuit has determined that the public’s interest in documents filed with non-
18 dispositive motions is relatively lower than its interest in documents at trial or attached to a
19 dispositive motion. *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010). Thus, a
20 party seeking to seal documents attached to a non-dispositive motion need only demonstrate
21 “good cause” to justify sealing. *Id.* (applying “good cause” standard in the case of non-dispositive
22 motions because such motions “are often unrelated, or only tangentially related, to the underlying
23 cause of action.”) (internal quotations and citations to omitted).

24 Here, Defendants seek to seal exhibits proffered in opposition to a non-dispositive motion.
25 Defendants must thus demonstrate good cause to justify sealing the exhibits. Defendants argue
26 that Exhibits A-F to the Declaration of A. Bunn and Exhibits A-B to the Declaration of R. Singh
27 in support of Defendants’ opposition to the emergency motion comprise Plaintiff’s mental health
28 records. Defendants further contend that the exhibits include information shared by Plaintiff with

1 psychotherapists regarding family, security issues, and general mental health disclosures in which
2 Plaintiff maintains a right to privacy. (ECF No. 18).

3 The Court finds that the medical records contain additional information that does not
4 implicate the alleged constitutional deprivation at issue in this case. Accordingly, Defendants
5 have established good cause to file the exhibits under seal at this time.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Defendants' request to seal documents, (ECF No. 18), is GRANTED; and
- 8 2. The Clerk of Court is directed to file the following exhibits under seal:
 - 9 • Exhibits A-F to the Declaration of A. Bunn in Support of Defendants' Opposition
10 to Motion Requesting a Temporary Restraining Order, and
 - 11 • Exhibits A-B to the Declaration of R. Singh in Support of Defendants' Opposition
12 to Motion Requesting a Temporary Restraining Order.

13 IT IS SO ORDERED.

14 Dated: March 27, 2018

15 /s/ Eric P. Gray
16 UNITED STATES MAGISTRATE JUDGE