

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  
EASTERN DISTRICT OF CALIFORNIA

RAMIRO HUERTA,  
Plaintiff,  
v.  
COUNTY OF TULARE, et al.,  
Defendants.

Case No. 1:17-cv-01446-EPG  
  
ORDER GRANTING IN PART AND  
DENYING IN PART JOINT REQUEST TO  
SEAL  
  
(ECF Nos. 106)

Before the Court is the parties’ joint request to seal documents. (ECF No. 106). For the following reasons, the Court will grant the request in part and deny it in part. Specifically, the Court will order the Clerk of Court to seal the documents previously filed on the docket, direct Plaintiff to refile the documents with appropriate redactions, and will otherwise deny the request to seal.

**I. BACKGROUND**

On November 19, 2021, Defendants County of Tulare, Tulare County Sheriff, Ronald Smith, Michael Coldren, James Dillon, Laura Torres-Salcido, Hector Hernandez, Salvador Ceja (collectively, “Defendants”) filed a motion for sanctions based on allegations that Plaintiff Ramiro Huerta’s (“Plaintiff”) counsel violated this Court’s protective order. (ECF No. 92.) Plaintiff filed an opposition on January 28, 2022. (ECF No. 98.) Defendants filed a reply on February 11, 2021. (ECF No. 99.)

1 Defendants' reply argued that the exhibits filed in support of Plaintiff's opposition  
2 violated Eastern District Local Rule 140's requirement that personally identifiable information be  
3 redacted. (ECF No. 99 at 10.) Specifically, Plaintiff's exhibits included unredacted crime reports  
4 which exposed the full social security numbers, birth dates, Driver's license numbers, home  
5 addresses, and private phone numbers. (*Id.* at 10-11.)

6 The Court held a hearing on the motion for sanctions and, in relevant part, ordered the  
7 parties to meet and confer regarding sealing of any exhibits submitted in connection with the  
8 motion for sanctions. (ECF No. 100.) On March 4, 2022, the parties filed a stipulation requesting  
9 that the Court seal Exhibits A and C to the Declaration of Matthew D. Owdom filed in support of  
10 Plaintiff's opposition. (ECF No. 106.)

## 11 **II. LEGAL STANDARDS**

12 "Historically, courts have recognized a 'general right to inspect and copy public records  
13 and documents, including judicial records and documents.'" *Kamakana v. City & Cty. of*  
14 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc 'ns, Inc.*, 435  
15 U.S. 589, 597 & n.7 (1978)). "[J]udicial records are public documents almost by definition, and  
16 the public is entitled to access by default." *Id.* at 1180. This "federal common law right of access"  
17 to court documents generally extends to "all information filed with the court," and "creates a  
18 strong presumption in favor of access to judicial documents which can be overcome only by  
19 showing sufficiently important countervailing interests." *Phillips ex. Rel. Estates of Byrd v. Gen.*  
*Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (citations and quotation marks omitted).

20 Accordingly, "[a] party seeking to seal a judicial record then bears the burden of  
21 overcoming this strong presumption by meeting the 'compelling reasons' standard." *Kamakana*,  
22 447 F.3d at 1178. Under this stringent standard, a court may seal records only when it finds "a  
23 compelling reason and articulate[s] the factual basis for its ruling, without relying on hypothesis  
24 or conjecture." *Id.* at 1179. The court must then "conscientiously balance[ ] the competing  
25 interests of the public and the party who seeks to keep certain judicial records secret." *Id.*  
26 (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003) (alteration  
27 in original) (internal quotation marks omitted). What constitutes a "compelling reason" is "best  
28

1 left to the sound discretion of the trial court.” *Nixon*, 435 U.S. at 599.<sup>1</sup>

2 Local Rule 141 governs requests to seal and requires that the request “set forth the  
3 statutory or other authority for sealing, the requested duration, the identity, by name or category,  
4 of persons to be permitted access to the documents, and all other relevant information.” E.D. Cal.  
5 L.R. 141(b).

6 Under Local Rule 140(a), counsel is required to omit or, where reference is necessary,  
7 partially redact the following personal data identifiers from all pleadings, documents, and  
8 exhibits:

- 9 (i) Minors' names: In criminal actions, use the minors' initials; in civil actions  
10 use initials when federal or state law require the use of initials, or when the  
11 specific identity of the minor is not necessary to the action or individual  
12 document;
- 13 (ii) Financial account numbers: Identify the name or type of account and the  
14 financial institution where maintained, but use only the last four numbers  
15 of the account number;
- 16 (iii) Social Security numbers: Use only the last four numbers;
- 17 (iv) Dates of birth: Use only the year;
- 18 (v) Home addresses in criminal actions only; use only the city and state; and
- 19 (vi) All other circumstances: Redact when federal law requires redaction.

20 E.D. Cal. L.R. 140(a).

### 21 **III. DISCUSSION**

22 Here, the parties seek to file Exhibits A and C to Mr. Owdom’s declaration under seal.  
23 (ECF No. 106; *see also* ECF No. 98-1.) The parties’ stipulation does not state the basis for

---

24 <sup>1</sup> The Ninth Circuit has also “carved out an exception,” *Foltz*, 331 F.3d at 1135, to the strong preference for public  
25 access for sealed materials attached to a discovery motion unrelated to the merits of a case, *see Phillips ex rel. Estates*  
26 *of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213–14 (9th Cir.2002). Under this exception, a party need only  
27 satisfy the less exacting “good cause” standard. *Foltz*, 331 F.3d at 1135. The “good cause” language comes from  
28 Rule 26(c)(1), which governs the issuance of protective orders in the discovery process: “The court may, for good  
cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or  
expense....” Fed. R. Civ. P. 26(c). “Applying a strong presumption of access to documents a court has already  
decided should be shielded from the public would surely undermine, and possibly eviscerate, the broad power of the  
district court to fashion protective orders,” and thereby undermine Rule 26(c). *Phillips*, 307 F.3d at 1213; *see*  
*also Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984) (explaining that discovery is largely “conducted in  
private as a matter of modern practice,” so the public is not presumed to have a right of access to it); *Anderson v.*  
*Cryovac, Inc.*, 805 F.2d 1, 13 (1st Cir.1986) (“There is no tradition of public access to discovery, and requiring a trial  
court to scrutinize carefully public claims of access would be incongruous with the goals of the discovery process.”).  
In determining whether to apply the presumptive “compelling reasons” standard or the “good cause” exception, the  
focus is on “whether the motion is more than tangentially related to the merits of a case.” *Ctr. For Auto Safety v.*  
*Chrysler Group, LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016). Here, the parties do not address which standard applies  
to their request to seal. (*See* ECF No. 106.) However, in light of the nature of the motion and the relief requested, the  
Court finds that the motion for sanctions is more than tangentially related to the merits of the case and therefore the  
“compelling reasons” standard applies.

1 sealing, but Defendants' reply in support of the motion for sanctions explains that these exhibits  
2 improperly contain unredacted social security numbers, birth dates, Driver's license numbers,  
3 home addresses, and private phone numbers in violation of Local Rule 140. (ECF No. 99.)

4 Local Rule 140(a) requires omission or partial redaction of individuals' social security  
5 numbers and birth dates. However, Local Rule 140(a) does not require redaction of home  
6 addresses in civil cases, and does not address redaction of phone numbers or Driver's licenses.  
7 Neither of the parties has identified any other authority for sealing or redacting this information.  
8 Likewise, the parties have not established that maintaining the document in its entirety under  
9 seal,<sup>2</sup> as opposed to redacting the limited information at issue under Local Rule 140(a), is  
10 appropriate. *See Foltz*, 331 F.3d at 1138 ("We do not see how the presence of a small number of  
11 . . . records that can be redacted with minimal effort constitutes 'good cause,' let alone a  
12 compelling reason, . . . to overcome the strong presumption in favor of public access).

13 Thus, in order to balance the strong presumption of public access to court records against  
14 the sensitive nature of individuals' social security numbers and birth dates, the Court will direct  
15 the Clerk of Court to seal the copy of Mr. Owdom's declaration that was previously filed on the  
16 docket. (*See* ECF No. 98-1.) The Court will further order Plaintiff to refile Mr. Owdom's  
17 declaration on the docket with social security numbers and birth dates redacted pursuant to Local  
18 Rule 140(a)<sup>3</sup> and will otherwise deny the parties' request to seal.

#### 18 **IV. CONCLUSION AND ORDER**

19 In light of the foregoing, IT IS HEREBY ORDERED that:

- 20 1. The parties' stipulated request to seal (ECF No. 106) is GRANTED IN PART AND  
21 DENIED IN PART;
- 22 2. The Clerk of Court is directed to seal the Declaration of Matthew Owdom at Docket  
23 No. 98-1; and

---

24 <sup>2</sup> Notably, although the parties request that only Exhibits A and C be sealed, Plaintiff filed Mr. Owdom's declaration  
25 and exhibits as a singular document and did not separately file the exhibits on the docket. The Court cannot seal  
portions of filings on the docket and can only seal documents in their entirety.

26 <sup>3</sup> Local Rule 140(a)(vi) permits redaction when required by federal law. The Court notes that, although the parties'  
27 stipulation did not identify any basis for redacting home addresses, phone numbers, or Driver's license numbers, if  
28 this information is required to be redacted under federal law then it may be redacted consistent with Local Rule  
140(a)(vi). However, no other redactions beyond those enumerated in Local Rule 140(a) are permitted absent a court  
order. *See* E.D. Cal. L.R. 140(b).

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

3. Within seven (7) days of entry of this order, Plaintiff shall refile Mr. Owdom's declaration with personal data identifiers redacted consistent with Local Rule 140(a).

IT IS SO ORDERED.

Dated: March 7, 2022

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE