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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 TATYANA HARGROVE,

12 Plaintiff,

13 v.

14 CITY OF BAKERSFIELD, et al.,

15 Defendants.

Case No.: 1:17-cv-01743- JLT

ORDER DENYING PLAINTIFF'S REQUEST  
TO SEAL DOCUMENTS  
(Doc. 33)

16 As agreed by the parties, the plaintiff has sought to have her opposition to the motions in  
17 limine and her opposition to the change in the City's Rule 30(b)(6) witness filed under seal. The  
18 only rationale for the sealing was that the parties had agreed that certain depositions, upon which  
19 her oppositions rely, would be treated as confidential. In reviewing the oppositions, the Court  
20 finds the request for sealing is not supported by law.

21 Federal Rule of Civil Procedure 26(c) determines when documents may be sealed. The  
22 Rule permits the Court to issue orders to "protect a party or person from annoyance,  
23 embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret  
24 or other confidential research, development, or commercial information not be revealed or be  
25 revealed only in a specified way." Only if good cause exists may the Court seal the information  
26 from public view after balancing "the needs for discovery against the need for confidentiality."  
27 Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. Cal. 2010) (quoting Phillips ex rel.  
28 Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)).

1 Generally, documents filed in civil cases are presumed to be available to the public. EEOC  
2 v. Erektion Co., 900 F.2d 168, 170 (9th Cir. 1990); see also Kamakana v. City and County of  
3 Honolulu, 447 F.3d 1172, 1178 (9th Cir.2006); Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d  
4 1122, 1134 (9th Cir.2003). The Court may seal documents only when the compelling reasons for  
5 doing so outweigh the public's right of access. EEOC at 170. In evaluating the request, the Court  
6 considers the "public interest in understanding the judicial process and whether disclosure of the  
7 material could result in improper use of the material for scandalous or libelous purposes or  
8 infringement upon trade secrets." Valley Broadcasting Co. v. United States District Court, 798  
9 F.2d 1289, 1294 (9<sup>th</sup> Cir. 1986).

10 Notably, this Court's Local Rule 141 sets forth how a request to seal documents should be  
11 made. In addition, the legal authority recited here demonstrates that sealing may occur only if good  
12 cause is shown. Though the Court issued the stipulated protective order, this order did not  
13 authorize filings under seal. (Doc. 21 at 4) Because there is not good cause shown for the request,  
14 the request is **DENIED**. Either side may renew this request.

### 15 **ORDER**

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

17 1. Plaintiff's request to seal (Doc. 63) is **DENIED** without prejudice. Counsel  
18 SHALL immediately confer as to whether the request for sealing will be renewed. If either side  
19 intends to do this, the request SHALL be made no later than noon on October 3, 2019. If neither  
20 side wishes to renew the request, the plaintiff SHALL file a notice to this effect and she SHALL  
21 file her unredacted oppositions on the public docket immediately. Failure of counsel to timely  
22 meet and confer will not excuse Plaintiff from filing her unredacted documents as ordered.

23  
24 IT IS SO ORDERED.

25 Dated: October 1, 2019

/s/ Jennifer L. Thurston  
26 UNITED STATES MAGISTRATE JUDGE  
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