

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 KEVIN KEYES; JENNIFER KEYES; and  
DUSTIN KEYES.

Case No. 1:19-CV-00677 DAD/JLT

ORDER DENYING REQUEST TO SEAL  
DOCUMENTS AND TO FILE REDACTED  
DOCUMENTS  
(Doc. 19)

12 Plaintiffs.

V.

HOME DEPOT U.S.A., INC.

## Defendants.

17 The plaintiffs seek an order sealing certain documents filed with their motion to amend  
18 their pleading. (Doc. 19) The plaintiffs offer no real explanation why these documents should be  
19 sealed. At most, they assert that these are documents encompassed within the protective order  
20 issued by this Court (Doc. 14). The Court has reviewed the documents at issue to attempt to  
21 discern why they should be kept from the public view, but it cannot find a basis for sealing.

22       Federal Rule of Civil Procedure 26(c) determines when documents may be sealed. The  
23       Rule permits the Court to issue orders to “protect a party or person from annoyance,  
24       embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret  
25       or other confidential research, development, or commercial information not be revealed or be  
26       revealed only in a specified way.” Only if good cause exists may the Court seal the information  
27       from public view after balancing “the needs for discovery against the need for confidentiality.””

<sup>1</sup> Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. Cal. 2010) (quoting Phillips ex rel. <sup>2</sup> Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)).

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

12 Local Rule 141 sets forth how a request to seal documents should be made. The protective  
13 order detailed that documents “protected” were not automatically entitled to be filed under seal  
14 and recited the parties’ obligation to comply with the Rule (Doc. 11 at 10-11). The legal authority  
15 recited here also demonstrates that sealing may occur only if good cause is shown. Because there  
16 is not good cause shown for the request, the request is **DENIED without prejudice**. Based upon  
17 the foregoing, the Court **ORDERS**:

18 1. Plaintiff's request to seal (Doc. 19) is **DENIED** without prejudice. Counsel  
19 SHALL immediately confer as to whether the request for sealing will be renewed. If either side  
20 intends to do this, the request SHALL be made no later than **February 10, 2020**.

IT IS SO ORDERED.

23 | Dated: February 6, 2020

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE