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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 SERVICE EMPLOYEES
11 INTERNATIONAL UNION, UNITED
12 HEALTHCARE WORKERS - WEST,
on behalf of represented
employees,

NO. CIV. S-08-2980 LKK/CMK

13 Plaintiffs,

14 v.

15 PRIME HEALTHCARE SERVICES,
16 INC.; PRIME HEALTHCARE
SERVICES - SHASTA, LLC;
17 SHASTA REGIONAL MEDICAL
CENTER, INC.; SHASTA
18 REGIONAL MEDICAL CENTER, LLC;
MEDICAL PROPERTIES TRUST; MPT
19 OF SHASTA, LP; MPT OF SHASTA,
LLC; MPT OPERATING PARTNERSHIP,
20 LP; and DOES 1 through 25,

O R D E R

21 Defendants.
22 _____/

23 Defendants in this case have moved for summary judgment. Along
24 with their motion, defendants Medical Properties Trust ("MPT"),
25 Inc, MPT of Shasta, L.P., MPT of Shasta, LLC, and MPT Operating
26 Partnership, L.P. ("MPT defendants"), filed a motion to seal. The

1 other defendants did not file a motion to seal and did not seek to
2 seal any documents. In opposition to the MPT defendants motion,
3 plaintiffs filed some documents under seal without a motion.

4 There is a strong presumption in favor of public access to
5 documents filed in connection with dispositive motions such as a
6 motion for summary judgment, and this presumption weighs against
7 sealing such documents. Kamakana v. City & County of Honolulu, 447
8 F.3d 1172, 1178 (9th Cir. 2006). In the context of a dispositive
9 motion, "the district court must base its decision [to seal
10 materials] on a compelling reason and articulate the factual basis
11 for its ruling, without relying on hypothesis or conjecture." Foltz
12 v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir.
13 2003).

14 The magistrate judge has previously adopted a stipulated order
15 concerning the use of private and confidential information in this
16 case. (Dkt. No. 33).

17 For the foregoing reasons the court ORDERS as follows:


- 18 (1) The court tentatively GRANTS the MPT defendants' motion
19 (Dkt. No. 40).
- 20 (2) Defendants are cautioned, however, that this sealing is
21 tentative. Kamakana, 447 F.3d at 1186. The court will
22 revisit whether these documents should be permanently
23 sealed at a later time, when it is possible to perform
24 the fact specific analysis required by Foltz.
- 25 (3) Plaintiffs shall file a reasoned motion to seal the
26 documents it filed under seal in its opposition to the

1 MPT defendants motion for summary judgment within seven
2 (7) days of the issuance of this order.

3 (4) The court, nonetheless, tentatively seals the documents
4 plaintiff has filed under seal in its opposition. (Dkt.
5 No. 52).

6 IT IS SO ORDERED.

7 DATED: June 21, 2010.

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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