

1

2

3

4

5

6

7

## UNITED STATES DISTRICT COURT

8

## FOR THE EASTERN DISTRICT OF CALIFORNIA

9

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

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

13

Plaintiffs,

14

v.

15

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

8  
9  
10   
11 LAWRENCE K. KARLTON  
12 SENIOR JUDGE  
13 UNITED STATES DISTRICT COURT  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26