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13 COUNTY OF SAN JOAQUIN, *sued*
14 *erroneously as* SAN JOAQUIN COUNTY
15 EMPLOYMENT AND ECONOMIC
16 DEVELOPMENT DEPARTMENT

17 **UNITED STATES DISTRICT COURT**

18 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO BRANCH**

19 ANTHONY W. ROBINSON,

CASE NO. 2:12-CV-02783 CKD

20 Plaintiff,

**NOTICE OF REQUEST AND REQUEST TO
REDACT DOCUMENTS**

21 vs.

Trial Date: June 10, 2019

Courtroom: 24

Magistrate Judge: Hon. Carolyn K. Delaney

22 SAN JOAQUIN COUNTY EMPLOYMENT
23 AND ECONOMIC DEVELOPMENT
24 DEPARTMENT AND JOHN SOLIS,

25 Defendants.

26
27 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

28 PLEASE TAKE NOTICE that defendant will and hereby does move this Court for an order redacting the names and employee numbers on trial exhibits 30 through 37 such that only the first name and last initial is unredacted. This Motion is made pursuant to Eastern District Local Rule 141 and is based upon the privacy interests of the individual employees.

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the unredacted exhibits previously submitted to the Court in this

1 matter, and the redacted exhibits which are included with this Motion.

2 Dated: May 28, 2019

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5 By: /s/ Jamie M. Bossuat
6 JAMIE M. BOSSUAT
7 Attorneys for Defendant
8 COUNTY OF SAN JOAQUIN

8 **REQUEST TO REDACT – POINTS AND AUTHORITIES**

9 Plaintiff's trial exhibits include employee performance evaluations for individuals who
10 are not parties to this case. In order to protect the privacy interests of these individuals,
11 Defendant County of San Joaquin requests that the Court order that the names on the
12 evaluations be partially redacted such that only the first name and last initial of the individuals
13 appears on the evaluations. Additionally, the County requests that the employee numbers be
14 redacted from the evaluations. Defendant has attached its proposed redactions to this Motion
15 anticipating that if the Motion is granted, these copies can be substituted for the unredacted
16 versions that were previously submitted to the Court.

17 Eastern District Local Rule 141 provides that documents may be sealed only by written
18 order of the Court, upon the showing required by applicable law. Defendant's request is
19 supported by the individual employee's right to privacy. The California Constitution
20 recognizes "inalienable rights," including the right of privacy which are broader than those
21 guaranteed by the U.S. Constitution. California Constitution, Art. I, § 1; *American Academy of*
22 *Pediatrics v. Lungren*, 16 Cal.4th 307, 327-328 (1997). The right to privacy includes
23 individual's interest in precluding the dissemination or misuse of sensitive and confidential
24 information. See *Hill v. National Collegiate Athletic Ass'n*, 7 Cal.4th 1, 20, 35; *Sheehan v. San*
25 *Francisco 49ers, Ltd*, 45 Cal.4th 992, 10000 (2009).

26 Employee performance reviews are sensitive documents maintained as part of
27 personnel files that the employees understand are protected from public disclosure.
28 Defendant's potential redaction of the employee number and the last name except for the last

1 initial protects the employees' privacy interest while at the same time allowing the documents
2 to be utilized in the upcoming trial in this matter. The first name and last initial will allow the
3 witnesses to testify regarding the documents without public disclosure of the employee's
4 identities.

5 Specifically, Defendant County of San Joaquin requests that the Court issue an order
6 requiring (1) employee names be redacted, leaving the first name and last initial undredacted,
7 and (2) employee numbers be redacted. This request applies to the following exhibits:

- 8 • Exhibit 30 – Employee Performance Report for Linda H., 11/10/08 – 11/30/09,
SJC/AR 001233;
- 9 • Exhibit 31 – Employee Performance Report for Judy B., 10/20/08 – 10/15/09,
SJC/AR 001239;
- 10 • Exhibit 32 – Employee Performance Report for Michael S., 11/05/08 – 11/08/09,
11 SJC/AR 001220;
- 12 • Exhibit 33 – Employee Performance Report for Cheryl F., 11/05/08 – 11/08/09,
SJC/AR 001235;
- 13 • Exhibit 34 – Employee Performance Report for Hector Q., 11/05/08 – 11/08/09,
SJC/AR 001228-1229;
- 14 • Exhibit 35 – Employee Performance Report for Nancy P., 11/05/08 – 11/08/09,
SJC/AR 001231
- 15 • Exhibit 36 – Employee Performance Report for Lorie C., 11/05/08 – 11/08/09,
16 SJC/AR 001237
- 17 • Exhibit 37 – Employee Performance Report for Charles S., 11/05/08 – 11/08/09,
SJC/AR 001241

18 Dated: May 28, 2019

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A Professional Law Corporation

21 By: /s/ Jamie M. Bossuat
22 JAMIE M. BOSSUAT
Attorneys for Defendant
23 COUNTY OF SAN JOAQUIN

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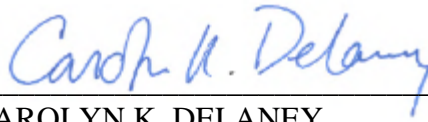
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[PROPOSED] ORDER

1 Having read and considered the foregoing points and authorities, and good cause
2 appearing therefore, Defendant County of San Joaquin's request to redact Plaintiff's Trial
3 Exhibits nos. 30, 31, 32, 33, 34, 35, 36, and 37 is GRANTED. The employee name will be
4 redacted so that only the first name and last initial remain unredacted and the employee
5 numbers will be redacted.
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8 Dated: June 7, 2019



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10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE
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