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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AT&T MOBILITY, LLC,

Plaintiff,

v.

GENERAL CHARLES E. "CHUCK"
YEAGER (RET.), et al.,

Defendants.

No. 2:13-cv-0007-KJM-DAD

In a previous order, the court found the appointment of a guardian ad litem was necessary to protect General Yeager's interest in this case. Order Nov. 10, 2015, ECF No. 223.¹ This order was issued following an evidentiary hearing on September 14, 2015. *See* Minutes, ECF No. 218.

On December 7, 2015, General Yeager and his wife, Victoria Yeager, jointly moved for (1) the sealing of the November 10, 2015 order, (2) the sealing of all court records of the September 14, 2015 evidentiary hearing, and (3) the issuance of "a HIPPA compliant protective order requiring all of General Yeager's confidential health and medical documents be either returned or destroyed, and otherwise prohibiting their use and any references thereto in any

¹ The court now has appointed a guardian ad litem. *See* ECF No. 227.

1 matters outside the present litigation.” Ex Parte App. Seal 1–2, ECF No. 225. They argue these
2 measures are necessary “to protect General Yeager’s privacy and other interests, to save him any
3 public discomfort and scrutiny, and to otherwise prevent the improper use and dissemination of
4 materials and protected information produced at and in conjunction with the September 14th
5 hearing.” *Id.* at 2–3. Intervenor Parsons Behle & Latimer has filed objections to the Yeagers’
6 request. ECF No. 226.

7 The court has determined a guardian ad litem must be appointed to protect General
8 Yeager’s interests in this case. This determination was based on, among other evidence,
9 testimony offered at the September 14, 2015 evidentiary hearing. At the hearing, General Yeager
10 was unable to answer questions about other recent hearings, the contents of his filings, how he
11 prepared filings, how he made the court aware of matters generally, how his signature was
12 applied to filings, and about the overall history of this case. *See* Order Nov. 10, 2015, at 8. He
13 has also expressed surprise at the contents of filings bearing his signature. *See id.* at 4. In light of
14 this evidence, the court cannot conclude General Yeager is aware of the contents of the current ex
15 parte application, even though his electronic signature appears on its last page.

16 Mrs. Yeager’s signature also appears on the pending ex parte application to seal.
17 But it is unclear what interest Mrs. Yeager has in the relief she seeks. The ex parte application
18 requests sealing because

19 There is a significant danger here that the Court’s determination
20 and the materials and information produced at the September 14th
21 hearing upon which the Court’s determination is based will be used
22 for improper purposes and to the detriment of General Yeager and
23 his interests in having such information and materials remain
private, including harming his reputation, promoting scandal, and
leading to libelous statements about his capacity as well as
character and fitness.

24 Ex Parte App. 5. The ex parte application also explains that “any dissemination of materials or
25 the hearing itself by others would be a violation of General Yeager’s privacy interests.” *Id.* at 6.
26 Specifically, the ex parte application describes questions about General Yeager’s ability to
27 proceed pro se and without a guardian ad litem in an appeal pending in California’s fifth appellate
28 district, captioned *Yeager v. Wild, Carter & Tipton, et al.*, No. F070631.

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The ex parte application does not explain what interest Mrs. Yeager has in the application to seal. Rather, she seeks to seal the records on General Yeager's behalf to protect his privacy interests and his interests in the appeal pending in California state court. The court previously has concluded Mrs. Yeager cannot be appointed as General Yeager's guardian ad litem in this case. *See, e.g.*, Order Nov. 10, 2015, at 16. Neither may she serve as his representative in this ex parte application.

The ex parte application is therefore DENIED.

IT IS SO ORDERED.

DATED: December 28, 2015.


UNITED STATES DISTRICT JUDGE