

1 **PORTER | SCOTT**

2 A PROFESSIONAL CORPORATION
3 Nancy J. Sheehan, SBN 109419
4 Erin J. Price, SBN 319331
5 350 University Avenue, Suite 200
6 Sacramento, California 95825
7 TEL: 916.929.1481
8 FAX: 916.927.3706

9 Attorneys for Defendant
10 COUNTY OF PLACER DISTRICT ATTORNEY'S OFFICE

11 UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

12 KARIN BJORK,

13 Plaintiff,

14 v.

15 COUNTY OF PLACER THE DISTRICT
16 ATTORNEY'S OFFICE; and DOES 1
17 through 10, inclusive,

18 Defendants.

Case No. 2:14-cv-01983-MCE-EFB
Consolidated w/ 2:13-cv-01616-MCE-EFB

**STIPULATED REQUEST TO SEAL
DOCUMENTS PREVIOUSLY FILED IN
COMPLIANCE WITH COURT'S
ORDER REGARDING DEFENDANTS'
REQUEST TO SEAL EVIDENCE AND
REDACT NAMES, AND AMENDING
THE PRETRIAL SCHEDULING
ORDER, AND ORDER**

19 AND CONSOLIDATED ACTION.

Consolidated Complaint Filed: 5/22/15

20
21 Plaintiff KARIN BJORK ("Plaintiff") and Defendant COUNTY OF PLACER THE
22 DISTRICT ATTORNEY'S OFFICE ("Defendant"), by and through their respective counsel, hereby
23 agree and stipulate as follows:

24 1. On November 21, 2016, Defendant filed a request to seal certain documents and/or
25 redact various names (ECF No. 68) in its contemplated motion for summary judgment.

26 2. Defendant's Motion for Summary Judgment was thereafter filed on December 1,
27 2016, with unredacted copies provided to the Court and to Plaintiff (ECF No. 69). At the time the
28 Motion was filed, the Court had not yet ruled on the request to seal.

1 3. Plaintiff filed her Opposition to Defendant’s Motion for Summary Judgment on
2 December 22, 2016 (ECF No. 71). Thereafter, she filed an Amended Opposition to Defendant’s
3 Motion for Summary Judgment and Objection to Defendant’s Evidence and Undisputed Facts in
4 support of Defendant’s Motion for Summary Judgment, on December 23, 2016 (ECF No. 72 & No.
5 73).

6 4. Defendant’s sealing request was granted in part by Order dated January 6, 2017 (ECF
7 No. 74).

8 5. The January 6, 2017 Order required the following:

- 9 a. Redaction of the names of certain former employees and the sealing of certain
10 evidence relating to the disciplinary actions brought against those employees.
- 11 b. The sealing of all evidence relating to the performance of another former employee,
12 and redaction of that employee’s name in all papers filed in connection with
13 Defendant’s Motion for Summary Judgment.
- 14 c. Redaction of any mention in the evidence of specific medical issues, condition,
15 diagnosis, or specific medication of another former employee. The parties were also
16 ordered to refer to such medical issues and medication in the briefs—if at all—in
17 general terms, without referencing any specific issue, condition, diagnosis, or
18 medication.
- 19 d. Defendants Request to Seal and Proposed Order, Plaintiff’s Opposition thereto, and
20 Defendant’s Reply, as well as the Order of this Court titled “Sealed Order,” shall be
21 filed under seal.

22 6. The January 6, 2017 Order additionally granted Plaintiff’s Ex Parte Request and
23 Stipulation to Amend the Pretrial Scheduling Deadlines for the Motion for Summary Judgment
24 Briefing Schedule, extending the deadlines for filing the Motion, Opposition, Cross-Motion, and
25 Reply papers.

26 7. In accordance with the modified deadlines, the Order required Defendant to file its
27 redacted copy of the pending Motion for Summary Judgment by December 29, 2016, a date that had
28 passed a week beforehand. Rather than applying for an additional extension to correct this

1 discrepancy, Defendant simply filed redacted papers on January 13, 2017 (ECF No. 76).

2 8. Plaintiff refiled her Opposition to Defendant’s Motion for Summary Judgment on
3 January 19, 2017 (ECF No. 87). The refiled Opposition did not include redacted information as
4 required by the Court’s January 6, 2017 Order.

5 9. Defendant also inadvertently filed papers in connection with its Motion for Summary
6 Judgment that do not contain redactions of the former employee’s name as required by the Court’s
7 January 6, 2017 Order.

8 10. An attorney representing the former employee in issue has contacted counsel for both
9 parties and requested that the parties take the necessary steps to comply with the Court’s order and
10 ensure that information regarding that employee is not publicly available on the Court’s docket. The
11 parties agree this should be done. Thus, they respectfully request that the Court seal the following
12 documents previously filed by Plaintiff in connection with Defendant’s Motion for Summary
13 Judgment, which are publicly available on the Court’s docket, to comply with the Court’s January
14 6, 2017 Order and to protect the privacy of the former employee:

- 15 a. Docket Entry No. 71
- 16 b. Docket Entry No. 71-1
- 17 c. Docket Entry No. 71-2
- 18 d. Docket Entry No. 71-3
- 19 e. Docket Entry No. 71-5
- 20 f. Docket Entry No. 71-6
- 21 g. Docket Entry No. 71-7
- 22 h. Docket Entry No. 71-8
- 23 i. Docket Entry No. 72
- 24 j. Docket Entry No. 73
- 25 k. Docket Entry No. 87-1
- 26 l. Docket Entry No. 87-2
- 27 m. Docket Entry No. 87-4
- 28 n. Docket Entry No. 87-6

- 1 o. Docket Entry No. 87-7
- 2 p. Docket Entry No. 87-9

3 11. The parties hereby request that the Court seal the following documents previously
4 filed by Defendant in connection with its Motion for Summary Judgment, which are publicly
5 available on the Court's docket, to comply with the Court's January 6, 2017 Order and to protect
6 the privacy of the former employee:

- 7 a. Docket Entry No. 76-2
- 8 b. Docket Entry No. 78
- 9 c. Docket Entry No. 90-1

10 12. The parties hereby request that the Court permit the parties to re-file the above named
11 documents in connection with Defendant's Motion for Summary Judgment with all redactions of
12 the former employee's name performed in compliance with the Court's January 6, 2017 Order.

13 The documents previously filed by Plaintiff in connection with Defendant's Motion for
14 Summary Judgment containing all required redactions are attached to this Stipulation as Exhibits 1-
15 16. The documents previously filed by Defendant in connection with its Motion for Summary
16 Judgment containing all required redactions are attached to this Stipulation as Exhibits 17-19.

17 **IT IS SO STIPULATED.**

18 Dated: November 19, 2018

PORTER SCOTT
A PROFESSIONAL CORPORATION

21 By /s/ Nancy J. Sheehan
Nancy J. Sheehan
Erin J. Price
Attorneys for Defendant

24 Dated: November 8, 2018

LAW OFFICES OF JILL P. TELFER

26 By /s/Jill P. Telfer (as authorized on 11/8/18)
Jill P. Telfer (SBN 145450)
Attorneys for Plaintiff


PORTER | SCOTT
350 University Avenue, Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

ORDER

1
2 The Court has considered the Stipulated Request to Seal Documents Previously Filed (ECF
3 No. 103), which seeks to seal previously filed documents in compliance with this Court's January
4 6, 2017 Order (ECF No. 74). Based on the parties' stipulation, and for good cause shown, the
5 Court GRANTS this request. The parties are permitted to file and/or re-file the documents
6 identified in the Stipulated Request, and pursuant to Local Rule 141 the Court ORDERS that these
7 documents are hereby filed under permanent seal.

8 IT IS SO ORDERED.

9 Dated: November 19, 2018

10
11 
12 MORRISON C. ENGLAND, JR.
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28