

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHARIDAN STILES, an individual,  
STILES 4 U, INC, a California  
Corporation,

Plaintiff,

v.

WAL-MART STORES, Inc., AMERICAN  
INTERNATIONAL INDUSTRIES, Inc.,  
and DOES 1-100,

Defendants.

No. 2:14-cv-02234--KJM-DMC

ORDER

Defendant American International Industries (“AI”) requests the court seal Exhibits 33, 63, 64 and 65 and excerpts of the deposition of Sharidan Stiles filed in support of AI’s Motion for Summary Judgment. Not. Req. to Seal, ECF No. 475. For the following reasons, the court DENIES defendant’s request.

“[T]he courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.” *Nixon v. Warner Communications*, 435 U.S. 589, 597 (1978). While “the right to inspect and copy judicial records is not absolute,” access in civil cases is properly denied for clearly justifiable reasons: to protect against ““gratif[ication of] private spite or promot[ion of] public scandal,”” or to preclude court

1 dockets from becoming “reservoirs of libelous statements,” or “sources of business information  
2 that might harm a litigant’s competitive standing.” *Id.* at 598. As the Ninth Circuit instructs, a  
3 “strong presumption in favor of access” to the record governs in a court of law unless the case or  
4 a part of it qualifies for one of the relatively few exceptions “traditionally kept secret,” with  
5 secrecy allowed for good reasons. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135  
6 (9th Cir. 2003). “Those who seek to maintain the secrecy of documents attached to dispositive  
7 motions must meet the high threshold of showing that ‘compelling reasons’ support secrecy.”  
8 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Foltz*,  
9 331 F.3d at 1136). The compelling-reasons standard applies even if contents of the dispositive  
10 motion or its attachments have previously been filed under seal or are covered by a generalized  
11 protective order, including a discovery phase protective order. *See Foltz*, 331 F.3d at 1136.

12 Defendant relies exclusively on the fact the documents in question were identified  
13 as confidential based on the parties’ discovery protective order, which was approved by the court.  
14 ECF No. 178. As explained above, without more, this is insufficient for the court even to find  
15 good cause to seal the documents, especially given the “strong presumption in favor of access” to  
16 the record. *See Foltz*, 331 F.3d at 1135. Accordingly, the request to redact and seal documents is  
17 hereby DENIED without prejudice to a renewed motion containing a more developed explanation  
18 of defendant’s need for sealing.

19 Plaintiffs’ Motion for Partial Summary Judgment may remain on the public docket  
20 as is, with placeholder exhibits attached. ECF No. 473.

21 This order resolves ECF No. 474.

22 IT IS SO ORDERED.

23 DATED: June 15, 2020.

24  
25   
26 \_\_\_\_\_  
27 CHIEF UNITED STATES DISTRICT JUDGE  
28