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CHURCHILL, JR  
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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 JUAN ESPINOZA,

12 Plaintiff,

13 v.

14 CITY OF TRACY, CHIEF OF POLICE  
GARY HAMPTON, R. LEON  
15 CHURCHILL, JR., AND DOES 1  
through 40, inclusive,  
16

17 Defendants.  
18

Case No.: 2:15-cv-00751-WBS-KJN

Complaint Filed: April 6, 2015  
FAC Filed: December 5, 2016

**ORDER GRANTING DEFENDANTS'  
REQUEST TO SEAL DOCUMENTS**

**(LOCAL RULE 141)**

Trial Date: August 7, 2018  
Final Pretrial Conf.: June 18, 2018  
Discovery Cut-Off: March 15, 2018

19 The Court has considered Defendants CITY OF TRACY and R. LEON CHURCHILL,  
20 JR.'s ("Defendants") Request to Seal Documents submitted to the Court on April 16, 2018. This  
21 Court finds compelling reasons for the request and GRANTS the Request.  
22

23 Defendants seek to seal or redact material from 194 pages of their evidence submitted in  
24 support of their Motion for Summary Judgment. Defendants contend certain documents contain  
25 sensitive and private non-litigant identifying information that should be redacted to protect the  
26 identities of the non-litigants since such information could be used for improper purposes.

27 "In this circuit, we start with a strong presumption in favor of access to court records. The  
28 common law right of access, however, is not absolute and can be overridden given sufficiently

1 compelling reasons for doing so.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135  
2 (9<sup>th</sup> Cir. 2003) (citations omitted) (discussing factors relevant to “compelling reasons” standard).

3 Defendants have demonstrated compelling reasons to seal or to redact the documents  
4 bates numbered CONFIDENTIAL0001-CONFIDENTIAL0194.

5 The documents contain personal identifying information of several third parties. The  
6 Court finds compelling reasons to permit Defendants to redact all non-litigant identifying  
7 information. The identities of these non-litigant individuals are immaterial to Defendants’ Motion  
8 for Summary Judgment. Given that such information lacks any probative value, it cannot further  
9 the “public interest in understanding the judicial process.” *Kamakana v. City and County of*  
10 *Honolulu*, 447 F.3d 1172, 1181 (9<sup>th</sup> Cir. 2006). Moreover, the dissemination of the non-litigants’  
11 identities in the public docket may cause them undue embarrassment or damage to their  
12 reputations. If disseminated in the public docket, the information may “become a vehicle for  
13 improper purposes.” *Id.* at 1179 (quoting *Nixon v. Warner Communications, Inc.*, 435 U.S. 589,  
14 598 (1978)). These interests in favor of redaction outweigh any public interest in the information.  
15 *Pryor v. City of Clearlake*, C 11-0954 CW, 2012 WL 3276992, at \*2 (N.D. Cal. Aug. 9, 2012)  
16 (“Together these three factors—irrelevance, personal identification information and likely  
17 embarrassing information about . . . a non-litigant—outweigh the public’s interest in disclosure.”)

18 IT IS hereby ORDERED that Defendants may file the documents bates stamped  
19 CONFIDENTIAL0001-CONFIDENTIAL0194 under seal and/or may redact the personal  
20 identifying information of non-litigants wherever it appears in the documents bates stamped  
21 CONFIDENTIAL0001-CONFIDENTIAL0194. Persons entitled to access the confidential  
22 documents filed under seal is limited to Plaintiff, Plaintiff’s counsel, Defendants, and Defendants’  
23 counsel, officers and employees of the Court, and individuals who have signed the Stipulated  
24 Protective Order. (ECF No. 58)

25 The sealing order shall remain in place for purposes of Defendants’ Motion for Summary  
26 Judgment. Depositions, as lodged with the court, shall be returned to Defendants, through their  
27 counsel. This Order shall not preclude Defendants from introducing these documents, unredacted  
28 or unsealed, separately for purposes of trial.

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IT IS SO ORDERED.

Dated: April 30, 2018



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE