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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNICO MECHANICAL CORP, a
California Corporation, and ALFRED
CONHAGEN, INC. OF CALIFORNIA, a
California Corporation,

Plaintiffs,

v.

KAMALA HARRIS, in her official
capacity of Attorney General for the State
of California; CHRISTINE BAKER, in her
official capacity as the Director of the
California Department of Industrial
Relations; DIANE RAVNIK, in her official
capacity as the Chief of the California
Division of Apprenticeship Standards; and
MATT RODRIGUEZ, in his official
capacity as California Secretary for
Environmental Protection,

Defendants.

STATE BUILDING AND
CONSTRUCTION TRADES COUNCIL
OF CALIFORNIA, AFL-CIO,

Intervenor-Defendant

No. 2:15-cv-0996 JAM AC (TEMP)

ORDER

On March 30, 2016, the parties filed a joint statement re discovery disagreement (ECF No. 34) and defendants filed a notice of request to seal. (ECF No. 35.) Although defendants state in the joint statement that the parties met and conferred on March 22, 2016, plaintiffs contends that

1 the defendants “have not met or conferred with respect to the vast majority of the matters that are
2 purportedly at issue.” (ECF No. 34 at 17.) The undersigned strictly enforces meet and confer
3 requirements and finds sufficient meeting and conferring to be essential to the resolution of
4 discovery disputes. Accordingly, the hearing of defendants’ motion to compel will be continued
5 to allow the parties additional time to meet and confer.

6 With respect to defendants’ request to seal, defendants argue that “[g]ood cause exists to
7 seal these documents because Judge Mendez approved a protective order under which the parties
8 could protect documents from public disclosure by designating them as ‘CONFIDENTIAL.’”
9 (ECF No. 35 at 3.) However, the parties’ stipulated protective order expressly provides that if
10 “any party seeks to have any Confidential Material contained in [a] filing sealed, that Party shall
11 do so in accordance with . . . Rule 141” of the Local Rules. (ECF No. 15 at 5.)

12 ...Local Rule 141 provides that documents may only be sealed by a
13 written order of the court after a specific request to seal has been
14 made. Local Rule 141(a). However, a mere request to seal is not
15 enough under the local rules. In particular, Local Rule 141(b)
16 requires that “[t]he ‘Request to Seal Documents’ shall set forth the
statutory or other authority for sealing...” See SEC v. Crumbley,
2:16-mc-00013 KJM AC, ECF No. 3 (E.D. Cal. Feb. 4, 2016)
(Mueller, J.) (emphasis in text).

17 The court starts ““with a strong presumption in favor of access to
18 court records.”” Ctr. for Auto Safety v. Chrysler Grp., LLC, 809
19 F.3d 1092, 1096 (9th Cir. 2016) (quoting Foltz v. State Farm Mut.
20 Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). “The
21 presumption of access is ‘based on the need for federal courts,
22 although independent – indeed, particularly because they are
23 independent – to have a measure of accountability and for the
24 public to have confidence in the administration of justice.” Id.
25 (quoting United States v. Amodeo, 71 F.3d 1044, 1048 (2d Cir.
1995)).

26 A request to seal material must normally meet the high threshold of
27 showing that “compelling reasons” support secrecy. Id. (citing
28 Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178
(9th Cir. 2006)). However, where the material is, at most,
“tangentially related to the merits of a case,” the request to seal may
be granted on a showing of “good cause.” Id. at 1097-1101.

26 Patriot Rail Corp. v. Sierra Railroad Company, No. 2:09-cv-0009 TLN AC, 2016 WL 492702, at
27 *3-4 (E.D. Cal. Feb. 9, 2016).

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Accordingly, IT IS HEREBY ORDERED that:

1. The April 6, 2016 hearing of defendants’ motion to compel is continued to **May 11, 2016 at 10:00 a.m.** in Courtroom No. 26;
2. The parties shall further meet and confer;
3. On or before April 27, 2016, defendants shall file a renewed request to seal that addresses the stanbdards noted above; and
4. On or before May 4, 2016, the parties shall file a joint statement re discovery disagreement that complies with the undersigned’s standing order and the Local Rules of this court.

DATED: April 4, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE