

1 It requires the party making the request to “set forth the statutory or other authority for sealing,
2 the requested duration, the identity, by name or category, of persons to be permitted access to the
3 other documents, and all other relevant information.” L.R. 141(b).

4 The “showing required by law” referred to by our Local Rule is a high one. The court
5 operates under a strong presumption in favor of access to court records. *Ctr. for Auto Safety v.*
6 *Chrysler Group, LLC*, 809 F.3d 1092, 1096 (2016). Accordingly, a party seeking to file
7 something under seal must present “compelling reasons” supporting the request.¹ *Id.* The
8 compelling reasons standard requires the court to: (1) find a compelling reason supporting sealing
9 the record and (2) articulate the factual basis for the sealing the record, without relying on
10 hypothesis or conjecture. *Id.* at 1096-97. The court must conscientiously balance the competing
11 interests of the public and the party who wishes to keep the documents private. *Id.* at 1097.
12 “What constitutes a ‘compelling reason’ is ‘best left to the sound discretion of the trial court.’”
13 *Id.* (quoting *Nixon v, Warner Commc’ns, Inc.*, 435 U.S. 589, 599 (1978)). Some examples of
14 records for which there are compelling reasons to seal are: (1) records that could be used to
15 gratify private spite or promote public scandal; (2) records containing libelous statements; and (3)
16 records that contain business information that could be used to harm a litigant’s competitive
17 standing. *Id.*

18 The court has determined that certain sensitive and private information about P.A. should
19 be sealed. ECF No. 31 at 5-6 (finding that the public’s interest in the disclosure of P.A.’s
20 personal identifying information, medical and psychiatric records, and behavioral history is
21 outweighed by P.A.’s interest in maintaining the privacy of such). The parties have since sought
22 to file under seal: (1) petitioner’s reply brief in support of the petition; (2) all exhibits in support
23 of petitioner’s reply brief in support of the petition; (3) petitioner’s motion to exclude evidence;
24 (4) petitioner’s proposed sur-sur-reply brief; (5) petitioner’s reply brief in support of the motion

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26 ¹ The court may seal materials attached to discovery motions unrelated to the merits of a
27 case on a lesser showing than “compelling reasons”; in such a situation, a showing of “good
28 cause” suffices. *Id.* at 1097. As the court concludes that the instant request to seal meets the
higher compelling reasons standard, it need not determine whether the motion to exclude
evidence qualifies as a discovery motion unrelated to the merits of this case.

1 to exclude evidence; and (6) exhibits B and C in support of respondents' opposition to the motion
2 for a temporary restraining order. In addition, in response to the court's prior order on sealing,
3 respondents have submitted a redacted version of their response to the petition and proposed
4 redactions to response exhibits A, D, E, L, N, Q, R, S, V, W, and X. Petitioner has filed an
5 opposition to those proposed redactions, arguing that they are insufficient to protect P.A.'s
6 sensitive information.

7 The filings listed above contain some sensitive and private information about P.A. For
8 that reason, unredacted versions of these documents must be filed under seal. However, the court
9 finds that the documents may be redacted in such a way as to protect P.A.'s personal information
10 but also provide some public record of those documents. Accordingly, the court grants the
11 parties' requests to seal the unredacted versions of these documents and orders that redacted
12 versions be filed. The parties shall, within 14 days of the entry of this order, file appropriately
13 redacted versions of these documents sufficient to protect P.A.'s personal information.

14 So ordered.

15 DATED: January 26, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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