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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTONIO A. LOPEZ,  
Plaintiff,  
v.  
PRE-EMPLOY.COM, INC.,  
Defendant.

No. 2:16-cv-02205-TLN-KJN

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
SECOND REQUEST TO SEAL  
DOCUMENTS IN SUPPORT OF ITS  
MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court pursuant to Defendant Pre-Employ.Com., Inc.'s ("Defendant") Second Notice of Request to Seal Documents in support of Defendant's Motion for Summary Judgment. (ECF No. 27.) Plaintiff Antonio A. Lopez ("Plaintiff") has not responded. Defendant asks the Court to redact and file under seal three Exhibits, U, Z, and II, affixed to Defendant's Motion for Summary Judgment. (ECF No. 24 at 1–2.) The Exhibits contain three types of information: personally identifying information such as social security numbers, sensitive information such as birth dates, and public records. (ECF No. 24 at 1–2.)

There is a "strong presumption in favor of access" to judicial records. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto. Insurance Company*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The party seeking to seal records attached to dispositive pleadings "must articulate compelling reasons to seal supported by

1 specific factual findings” sufficient to “outweigh the general history of access and the public  
2 policies favoring disclosure.” *Id.* at 1178–79 (citing *Foltz*, 331 F.3d at 1135; *San Jose Mercury*  
3 *News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102–03 (9th Cir.1999)). “The mere fact that the  
4 production of records may lead to a litigant's embarrassment, incrimination, or exposure to further  
5 litigation will not, without more, compel the court to seal its records.” *Id.* at 1179.

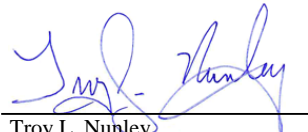
6 Defendant requests the Court seal documents which contain personally identifying and  
7 sensitive information. Federal Rule of Civil Procedure 5.2 requires a party to redact certain  
8 identifying and sensitive information from a filing, such as full social security numbers and birth  
9 dates. Fed. R. Civ. P. 5.2(a). Defendant has shown compelling reasons to redact personally  
10 identifying and sensitive information and to file the exhibits under seal.

11 Defendant also requests the Court seal documents which contain information from public  
12 records. Defendant has not argued the information should be redacted or the documents sealed.  
13 Rather, Defendant has described the information as “public records” and stated it believes  
14 Plaintiff put these records at issue by filing this suit. (ECF No. 27 at 1.) Further, Defendant  
15 referred the Court to Plaintiff for any further briefing on this issue, arguing Plaintiff bears the  
16 burden in this matter.<sup>1</sup> (Def. Second Request to Seal Documents at 2.) Plaintiff has not filed any  
17 response or argument on this issue. Defendant has not shown compelling reasons to redact or seal  
18 documents related to the public records attached to its motion for summary judgment.

19 Accordingly, the Court hereby GRANTS Defendant’s Second Notice of Request to Seal  
20 Documents as to personally identifying or sensitive information in the documents and DENIES  
21 the Request as to public records information in the documents, (ECF No. 27). Defendant shall  
22 file new versions of these documents that have been redacted in conformity with this Order.

23 IT IS SO ORDERED.

24 Dated: August 7, 2018

25   
Troy L. Nunley  
United States District Judge

26 <sup>1</sup> “To the extent the Court requests any further argument on the matter, Pre-employ submits that Plaintiff has  
27 the burden to demonstrate the Court should seal information about public records. As such, Pre-employ requests that  
28 the Court direct any order regarding further briefing, if needed, towards the Plaintiff.” (Def. Second Request to Seal  
Documents at 2.)