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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

M.M., et al.,

Plaintiffs,

v.

LAFAYETTE SCHOOL DISTRICT, et al.,

Defendants.

Case No. [10-cv-04223-SI](#) (LB)

**ORDER DENYING WITHOUT
PREJUDICE THE PLAINTIFFS
MOTION TO SEAL**

Re: ECF No. 175

The plaintiffs filed an administrative motion to file under seal several documents concerning approval of minor C.M.'s settlement.¹ Specifically, they seek to remove from the court's docket and file under seal (1) their attorney's verified petition for approval of the settlement, ECF No. 168-1; (2) C.M.'s parents' declaration in support of that petition, ECF No. 168-2; (3) their proposed order filed with the petition, ECF No. 170; and (4) the court's order approving the settlement, ECF No. 171.² At minimum, they say, if the court grants the motion but determines that its order approving the settlement must be kept public, "the identity of the minor's school" at page 3 of that order and the settlement amounts should be redacted.³ The plaintiffs assert that these

¹ Motion to Seal – ECF No. 175.

² Id. at 4.

³ Id.

1 documents “must be sealed to protect the minor’s identity because identification of the minor is
2 reasonably certain.”⁴

3 A request to file under seal “must be narrowly tailored to seek sealing only of sealable
4 material,” and a party must file a declaration explaining why the target material is sealable. Civil
5 L.R. 79-5(b), (d)(1)(A). Explanations need not be lengthy but they must describe why the material
6 is sealable. See generally *id.*; *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th
7 Cir. 2006). For material attached to non-dispositive motions, a party must make a “particularized
8 showing” that “good cause” exists to seal the material in question. *Id.* Where, as here, the material
9 is attached to a dispositive motion, the party “must meet the high threshold of showing that
10 ‘compelling reasons’ support [sealing].” *Id.*; see *M.P. ex. rel. Provins v. Lowe’s Cos., Inc.*, No.
11 2:11-cv-01985-GEB-CKD, 2012 WL 1574801, at *1 (E.D. Cal. May 3, 2012) (“Because approval
12 of the Application [for Approval of Minor’s Settlement] is dispositive, the compelling reasons
13 standard applies to Defendant’s motion to seal.”).

14 If a party satisfies its burden and overcomes the strong presumption favoring public access to
15 judicial records, it must also comply with the court’s procedural rules. See *Kamakana*, 447 F.3d at
16 1178; Civil L.R. 79-5. These rules require, among other things, that parties file both a redacted
17 version of the target documents (i.e., the version that will appear in the public record) and an
18 unredacted version that “indicate[s], by highlighting or other clear method, the portions of the
19 document that have been omitted from the redacted version” Civil L.R. 79-5(d)(1)(D).

20 Here, the plaintiffs seek to file under seal, in their entirety, four documents because
21 identification of C.M. is reasonably certain.⁵ Identification is reasonably certain, they say, “given
22 identification of the minor and his parents’ initials in relation to the Lafayette School District and
23 the parents’ active involvement in the small community of parents and educators in the school
24 district’s community.”⁶ They assert such identification “is not a proper topic for public access,”
25 and that “[l]ittle, if any, interest in public information access . . . weighs against sealing the subject

26 ⁴ *Id.* at 2 (citing *J.W. v. Dist. of Columbia*, No. 16-0573 (RC), 2016 U.S. Dist. LEXIS 117538, at *9–
27 *10 (D.D.C. Aug. 31, 2016)).

28 ⁵ *Id.* at 2.

⁶ *Id.*

1 documents.”⁷ They argue that information regarding the school district’s expenditures (e.g. in
2 litigating and settling the case) is available in other public records.⁸

3 The court recognizes the important interest in protecting the minor’s identity. But the plaintiffs
4 have not shown compelling reasons to justify sealing the four documents in their entirety.

5 First, the information that will supposedly lead to the minor’s identification — the minor and
6 parents’ initials “in relation to the Lafayette School District” — is already in the public record.⁹
7 The inclusion of that information here cannot be expected to identify the child any more than the
8 other filings in the case.

9 Second, if there is new, not-before-disclosed information that could identify C.M., the
10 plaintiffs have the burden of specifically identifying that information for sealing (i.e. by
11 redaction). This may, for example, include C.M.’s new school.¹⁰ But the inclusion of such limited
12 facts does not justify sealing the documents in their entirety — a sealing request must be
13 “narrowly tailored.”

14 Thus, if the plaintiffs wish to seal specific information that is (1) not already in the public
15 record and (2) could identify C.M., they must re-file their motion. In it, they must comply with
16 Local Rule 79-5 and must include redacted versions of the documents and unredacted versions that
17 indicate, by highlighting, the “the portions of the document that have been omitted from the
18 redacted version.” Civil L.R. 79-5(d)(1)(C)–(D). And if they wish to keep the settlement value
19 under seal — a fact that apparently has no bearing on C.M.’s identity — they must provide a
20 compelling reason for doing so. (They should also consider that, as they point out in their motion,
21 this information “can be determined from other public records that are available.”¹¹)
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25 ⁷ Id. at 4.

26 ⁸ Id.

27 ⁹ See, e.g., Second Amended Compl. – ECF No. 29, ¶¶ 5–9.

28 ¹⁰ See Motion to Seal at 4 (asking the court to, at minimum, seal the name of the school).

¹¹ Id. at 4.

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The court denies the plaintiff's motion to seal without prejudice.

IT IS SO ORDERED.

Dated: April 3, 2017



LAUREL BEELER
United States Magistrate Judge