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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 DAVID MORSE,

12 Plaintiff,

13 v.  
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15 SAN FRANCISCO BAY AREA RAPID  
16 TRANSIT DISTRICT (BART), et al.,

17 Defendants.  
18

Case No.: 12-cv-5289 JSC

**ORDER DENYING PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

19 Now pending before the Court is Plaintiff's administrative motion to file under seal. (Dkt. No.  
20 62.) For the reasons stated below, the motion is DENIED.

21 **LEGAL STANDARD**

22 "[T]he courts of this country recognize a general right to inspect and copy public records and  
23 documents, including judicial records and documents." *Nixon v. Warner Communications, Inc.*, 435  
24 U.S. 589, 597 & n.7 (1978); *see also Foltz v. State Farm Mutual Auto Insurance Comp.*, 331 F.3d  
25 1124, 1134 (9th Cir. 2003) ("In this circuit, we start with a strong presumption in favor of access to  
26 court records.) The right is justified by the interest of citizens in "keep[ing] a watchful eye on the  
27 workings of public agencies." *Nixon*, 435 U.S. at 598. The right, however, "is not absolute and can  
28 be overridden given sufficiently compelling reasons for doing so." *Foltz*, 331 F.3d at 1135; *see, e.g.*

United States District Court  
Northern District of California



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the documents are confidential does not meet the “compelling reasons” standard outlined above. Nor does it meet the requirements of the Local Rules. *See* N.D. Cal. L.R. 79-5(d)(1)(A) (“Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.”).

Further, while Plaintiff seeks to file some of the exhibits under seal based on Defendants’ designation of those documents as confidential, Defendants have not filed a declaration establishing that all the materials are sealable as required by Local Rule 79-5(e)(1).

**CONCLUSION**

For the reasons stated above, Plaintiff’s administrative motion is DENIED. Pursuant to the Local Rules, Plaintiff shall file an unredacted version of the documents filed under seal no earlier than four days from the date of this Order. *See id.* at 79-5(e)(2).

**IT IS SO ORDERED.**

Dated: February 7, 2014

  
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JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE