

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 JOHN ARMSTRONG, et al.,

No. C 94-2307 CW

5 Plaintiffs,

ORDER GRANTING
PLAINTIFFS' MOTION
TO SEAL (Docket
No. 2159) AND
GRANTING IN PART
DEFENDANTS' MOTION
TO SEAL AND
STIPULATION TO
FILE UNDER SEAL
(Docket Nos. 2167
and 2169)

6 v.

7 EDMUND G. BROWN, JR., et al.,

8 Defendants.

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10
11 Plaintiffs seek to file under seal the unredacted version of
12 the declaration of Michael Freedman and the exhibits attached
13 thereto in support of their motion to enforce the Court's orders
14 regarding Armstrong class members housed in county jails. Docket
15 No. 2159. Defendants do not dispute that the unredacted documents
16 should be filed under seal, but seek Court permission to share the
17 declarations with the counties involved. Defendants also seek to
18 file under seal the declaration of Bob Underwood in support of
19 their opposition and the exhibits attached thereto, as well as
20 references to these documents in their opposition brief. Docket
21 No. 2167. Defendants have filed a redacted version of the
22 Underwood declaration and accompanying exhibits in the public
23 record. See Docket No. 2171. The parties also stipulate to the
24 filing of these documents under seal. Docket No. 2169.

25 Because the public interest favors filing all court documents
26 in the public record, any party seeking to file a document under
27 seal must demonstrate good cause to do so. Pintos v. Pac.
28 Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. 2010). This cannot

1 be established simply by showing that the document is subject to a
2 protective order or by stating in general terms that the material
3 is considered to be confidential, but rather must be supported by
4 a sworn declaration demonstrating with particularity the need to
5 file each document under seal. See Civil Local Rule 79-5(a).

6 Defendants attest that the Underwood declaration and the
7 documents attached thereto contain personal information of
8 inmates, including their names, CDCR numbers and confidential
9 medical information. Nguyen Decl. ¶ 3. The parties have provided
10 sufficient reasons supporting the sealing of the Underwood
11 declaration and documents attached thereto. The Court notes that,
12 in their opposition brief, Defendants have not referred to the
13 confidential information contained in the Underwood declaration
14 and accompanying documents and have not redacted any information
15 in the brief. Accordingly, Defendants' motion for leave to file
16 under seal, and the parties' stipulation authorizing sealing, are
17 GRANTED to the extent they seek to file the unredacted Underwood
18 declaration and attached exhibits under seal and denied to the
19 extent Defendants' seek to file their opposing brief under seal
20 (Docket Nos. 2167 and 2169).

21 Plaintiffs similarly attest that the Freedman declaration
22 contain personal information of prisoners and parolees, including
23 their names, California Department of Corrections and
24 Rehabilitation (CDCR) identification numbers, and disability
25 status. Freedman Decl. in Supp. of Mot. to File Under Seal ¶ 5.
26 The Court finds that Plaintiffs have established sufficient
27 reasons to support the filing of the unredacted Freedman
28 declaration and its attached documents under seal. Accordingly,

1 Plaintiffs' motion for leave to file under seal is GRANTED (Docket
2 No. 2159).

3 To the extent that Defendants contend that the Court should
4 find that the documents are not subject to the protective orders
5 in this case, the Court notes that this is a separate question
6 from whether the documents are sealable. See Civil Local Rule
7 79-5(a). Defendants agree that the relevant information should
8 not be filed in the public docket. Further, with regard to
9 Defendants' objection to the use of the declaration and exhibits
10 in connection with Plaintiffs' motion to enforce, the Local Rules
11 require that all evidentiary and procedural objections be
12 contained in the opposition to the motion itself. See Civil Local
13 Rule 7-3. Pursuant to the terms of the protective order currently
14 in place, Defendants may move to modify the protective order or
15 permit disclosure of personal or security information beyond its
16 terms. See Docket No. 1044, ¶ 14.

17 Within four days of the date of this Order, Defendants shall
18 electronically file under seal an unredacted version of the
19 Underwood declaration and its accompanying exhibits. By that
20 date, Plaintiffs shall also electronically file under seal
21 unredacted versions of the Freedman declaration and its
22 accompanying exhibits and shall file redacted versions of these
23 documents in the public record.

24 IT IS SO ORDERED.

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26 Dated: 8/27/2012

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CLAUDIA WILKEN
United States District Judge