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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK SCHIFF,

Plaintiff,

No. C 08-4627 PJH

v.

**ORDER RE MOTIONS TO SEAL**

THE CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

\_\_\_\_\_ /

Before the court are three motions to seal documents – one filed by defendants City and County of San Francisco and former Chief of Police Heather Fong, and two filed by plaintiff Frederick Schiff.

1. Defendants’ motion to seal (Doc. 128) portions of the Declaration of Robert Moser and Exhibits A and B thereto, filed in support of defendants’ motion for summary judgment, and the Declaration of Lauren Monson in support of the motion to seal, is GRANTED, because the documents contain the names, and personnel information, including disciplinary complaints, investigations, and findings, and other private information of third-party peace officers who are not parties to this action.

2. Plaintiff’s motion to seal (Doc. 150) Exhibits P and FF to the Declaration of Thomas K. Bourke in support of plaintiff’s opposition to defendants’ motion for summary judgment is GRANTED in part and DENIED in part.

With regard to Exhibit P, the request is DENIED as to pages with Bates Nos. CCSF 004858 to 004877, CCSF 004880 to 004882, and CCSF 004884 to 4889, based on the

**United States District Court**  
For the Northern District of California

1 City's having redesignated those documents as non-confidential. The request is  
2 GRANTED as to pages with Bates Nos. CCSF 004878 to 004879, and Bates No. 004883,  
3 because the documents are draft versions of confidential internal analyses of the 2008  
4 Lieutenant examination process, which were not shared with anyone outside the San  
5 Francisco Examination Unit, other than the San Francisco City Attorney's Office, and were  
6 not made public in any way.

7 With regard to Exhibit FF, the request is GRANTED, as the documents include  
8 secondary criteria forms submitted to the Examination Unit by certain candidates eligible for  
9 promotion from the 2005 Lieutenant eligible list. These forms contain private personal  
10 information related to the candidates, which the City considers to be confidential and part of  
11 employee personnel records.

12 3. Plaintiff's motion to seal (Doc. 155) Exhibits 1 and 2 to the Declaration of  
13 Richard Bruce, Exhibits L and GG to the Declaration of Thomas K. Bourke, and Exhibits G  
14 and M to the Declaration of Frederick Schiff, filed in support of plaintiff's opposition to  
15 defendants' motion for summary judgment is GRANTED in part and DENIED in part.

16 With regard to Exhibit 1 to the Bruce Declaration, the request is GRANTED, as the  
17 document consists of a transcript of an internal investigation related to conduct by a peace  
18 officer. As such, the City considers it a confidential personnel record. It is also part of a  
19 criminal investigation conducted by the SFPD Special Investigations Unit, and is governed  
20 by the official information privilege.

21 With regard to Exhibit 2 to the Bruce Declaration, the request is DENIED, based on  
22 the City's having redesignated this document as non-confidential.

23 With regard to Exhibit L to the Bourke Declaration, the request is DENIED, based on  
24 the City's non-opposition to the sealing request, which was premised on the City's having  
25 designated the document as confidential.

26 With regard to Exhibit GG to the Bourke Declaration, the request is GRANTED, as  
27 the document consists of a transcript of an internal investigation related to conduct by a  
28 peace officer. As such, the City considers it a confidential personnel record. It is also part

1 of a criminal investigation conducted by the SFPD Special Investigations Unit, and is  
2 governed by the official information privilege.

3 With regard to Exhibit G to the Schiff Declaration, the request is GRANTED. The  
4 document contains racial/demographic information of third-party police officers, and was  
5 created by the EEO investigator, Svetlana Vaksberg, as part of her investigation into  
6 plaintiff's EEO complaint.

7 With regard to Exhibit M to the Schiff Declaration, the request is DENIED, based on  
8 plaintiff's having redacted third-party identifying information, and the City having withdrawn  
9 any confidential designation as to the redacted version of the document.

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11 **IT IS SO ORDERED.**

12 Dated: September 12, 2011



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PHYLLIS J. HAMILTON  
United States District Judge

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