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6 Attorneys for Defendants  
 Deputy Sheriff TIMOTHY R. FRAYNE, former  
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 CHAD R. BUCK, and Sheriff's Correctional Officer  
 8 CATHERINE R. BOW

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 OMARR L. BURNETT,

13 Plaintiff,

14 vs.

15 DEPUTY FRAYNE, et al.,

16 Defendants.

Case No. 09-04693 SBA (PR)

**ADMINISTRATIVE ORDER SEALING  
 PLAINTIFF'S CORRECTIONAL HEALTH  
 MEDICAL RECORD AND ANY  
 PORTIONS OF DOCUMENTS  
 DISCUSSING SPECIFIC INFORMATION  
 FROM THAT MEDICAL RECORD**

17 **ORDER**

18 Defendants Deputy Sheriff Timothy R. Frayne, former Deputy Sheriff Ryan Adler, Deputy  
 19 Sheriff Chad R. Buck, and Sheriff's Correctional Officer Catherine R. Bow (collectively, the "County  
 20 Defendants") have moved for an administrative order sealing pages BURNETT-CH 1 through  
 21 BURNETT-CH 197 ("Plaintiff's Correctional Health Medical Record") included in Exhibit 1 of the  
 22 Declaration of Susan Kole in Support of Defendants' Motion for Summary Judgment or in the  
 23 Alternative Summary Adjudication (the "Kole Decl."), as well as the following portions of the Kole  
 24 Decl.: Paragraph 4; Paragraph 10 at 4:14-24; Paragraph 11 at 4:27-5:3; Paragraph 12 at 5:5-9; and  
 25 Paragraph 13 at 5:11-14. The County Defendants also ask that the order seal portions of future  
 26 documents filed with the Court which discuss specific medical information from Plaintiff's Correctional  
 27 Health Medical Record.  
 28

Case No. 09-04693 SBA (PR)

[PROPOSED] ADMINISTRATIVE ORDER SEALING PLAINTIFF'S CORRECTIONAL HEALTH  
 MEDICAL RECORD


1 Here, the information sought to be sealed is protected from disclosure without permission as  
2 personal health information under California and Federal law. *See, e.g.*, 42 U.S.C. § 1320d-2 (Health  
3 Insurance Portability and Accountability Act); Cal. Civ. Code § 56 *et seq.* (Confidentiality of Medical  
4 Information Act). When such information is filed, the Court must balance the public interest in access to  
5 the information against the need to protect the information from disclosure. *See San Ramon Regional*  
6 *Medical Center, Inc. v. Principal Life Ins. Co.*, 2011 WL 89931, at \*1 n.1. “In view of these  
7 considerations, the Court finds that the need to protect [Plaintiff’s] confidential medical information  
8 outweighs any necessity for disclosure.” *Id.*

9 Accordingly, the County Defendants’ administrative motion to seal is GRANTED. The  
10 following items are ordered sealed pursuant to Local Rule 79-5(c) and shall be filed under seal pursuant  
11 to that rule:

- 12 • Kole Decl., Paragraph 4;
- 13 • Kole Decl., Paragraph 10 at 4:14-24;
- 14 • Kole Decl., Paragraph 11 at 4:27-5:3;
- 15 • Kole Decl., Paragraph 12 at 5:5-9;
- 16 • Kole Decl., Paragraph 13 at 5:11-14;
- 17 • Kole Decl., Exhibit 1, pages BURNETT-CH 1 through BURNETT-CH 197; and
- 18 • Any portion of a document filed in the future in this case that discusses specific medical  
19 information contained in Plaintiff’s Correctional Health Medical Record.

20  
21 IT IS SO ORDERED.

22 Dated: \_\_\_5/6/11

23   
24 SAUNDRA B. ARMSTRONG  
25 United States District Judge  
26  
27  
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