

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

SEAN PRYOR,

No. C 11-0954 CW

Plaintiff,

ORDER DENYING
WITHOUT PREJUDICE
DEFENDANTS'
ADMINISTRATIVE
MOTION TO SEAL
(Docket No. 63)

v.

CITY OF CLEARLAKE, a governmental entity; CARL MILLER, individually, and in his capacity as a police officer for the City of Clearlake and acting sergeant; ALAN WADE McCLAIN, individually and in his capacity as Chief of Police for the City of Clearlake; CRAIG CLAUSEN, individually and in his capacity as Police Lieutenant for the City of Clearlake; MICHAEL RAY, individually, and in his capacity as a police officer for the City of Clearlake; and DOES 1-50, individually, and in their capacity as police officers for the City of Clearlake,

Defendants.

Defendants have filed an administrative motion for an order permitting them to file under seal their reply to Plaintiff's opposition to their motion for summary judgment. Docket No. 63. Defendants' motion to seal does not specify whether they seek a sealing order under Civil Local Rule 79-5(b) or (c), but based on the submissions to the Court, it appears that they seek to file the entire reply brief under seal, pursuant to the former provision. Defendants contend that their reply brief should be sealed pursuant to a stipulation submitted by the parties.

United States District Court
For the Northern District of California

1 Because the public interest favors filing all court documents
2 in the public record, any party seeking to file a document under
3 seal must demonstrate good cause to do so.¹ Cause to seal
4 documents cannot be established by stipulation, or a blanket
5 protective order that allows a party to designate documents as
6 sealable. Civil Local Rule 79-5(a). Rather, the "request must be
7 narrowly tailored to seek sealing only of sealable material, and
8 must conform with Civil L.R. 79-5(b) or (c)." Id. If good cause
9 exists only to file portions of a particular document under seal,
10 a redacted version of the document must be filed in the public
11 record. Civil Local Rule 79-5(c).

12 Defendants' motion to seal is denied because there is
13 insufficient evidence to establish good cause to seal the reply
14 brief and the request appears to be overbroad. Accordingly, the
15 request is denied without prejudice, subject to re-filing pursuant
16 to Local Rule 79-5.

17 Defendants have manually submitted to the Court an unredacted
18 copy of the reply brief, attached to their motion to seal. It is
19 unnecessary to continue the January 12, 2012 hearing on the motion
20 for summary judgment, provided that Defendants served the same
21 unredacted reply brief on Plaintiff's counsel. Based on the
22 certificate of service accompanying Defendants' motion to seal,
23 Defendants appear to have done so. The parties shall promptly
24 notify the Court if Plaintiff has not received a copy of the reply
25

26 _____
27 ¹A "compelling interest" standard applies to documents filed in
28 support of or opposition to a dispositive motion. Pintos v. Pac.
Creditors Ass'n, 605 F.3d 665, 678-79 (9th Cir. 2010).

1 brief, so that the Court may continue the hearing date, if
2 necessary.

3 IT IS SO ORDERED.

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5 Dated: 1/3/2012


6 CLAUDIA WILKEN
7 United States District Judge
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