UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

YVETTE FELARCA, ET AL.,

Plaintiffs,

v.

ROBERT J. BIRGENEAU, ET AL.,

Defendants.

Case No. 11-cv-05719-YGR

ORDER GRANTING IN PART ADMINISTRATIVE MOTIONS TO SEAL (DKT. NO. 390, 401) AND DENYING ADMINISTRATIVE MOTION TO SEAL (DKT. NO. 416)

Pending before the Court are motions to seal exhibits filed by Plaintiffs. (Dkt. No. 390, 401, 416.) Having carefully considered the motions and responses thereto, and the relevant documents, and for the reasons stated herein, the Court: (1) **GRANTS IN PART** the administrative motions to seal at Docket Nos. 390 and 401 as to the redacted Operational Plan document only, and otherwise Denies sealing as to the remaining documents; and (2) **DENIES** the administrative motion to seal at Docket No. 416. The Court addresses each motion in turn.

1. Dkt. No. 390

Plaintiffs filed a Motion to Seal Exhibits A through P filed in support of their motion for summary judgment. (Dkt. No. 390.) In response, and acknowledging the more stringent compelling reasons standard applicable to dispositive motions, Defendants indicate that the identified documents should not be sealed, with the exception of Plaintiffs' Exhibit B. Plaintiffs' Exhibit B is an excerpt from UCPD's Operational Review for November 9, 2011, designated confidential by Defendants. The UC Defendants request that the Court seal only a portion of the document, and provide a redacted version of the document removing only those portions that they contend should be sealed. Defendants assert that public disclosure of the document, which

provides information about police strategy and tactics, could assist individuals in circumventing legitimate policy activity. They offer a redacted version of the document as Exhibit 1 to their response to the motion. (Dkt. No. 396.)

The Court finds that the redactions in Exhibit 1 are narrowly tailored to cover only the sensitive strategic details contained in the plan, which are properly sealed based upon a showing of compelling reasons by the UC Defendants.

The motion to seal is therefore **GRANTED IN PART** as to Plaintiff's Exhibit B, which should be replaced with the redacted version submitted at Docket No. 396-2. Sealing is **DENIED** as to the remaining documents submitted with Plaintiffs' administrative motion at Docket No. 390. They shall be filed on the public docket within seven days of this order. *See* Civ. Local Rules 79-5(f).

2. Dkt. No. 401

Plaintiffs' filed their "Second Administrative Motion to File Documents Under Seal" at Docket No. 401, seeking to seal two audio recordings and 16 documents. Defendants again concede that the more stringent sealing standard applies to these documents, and seek only to seal the redacted portions of the Operational Plan document, submitted here as Plaintiffs' Exhibit 4 on their Exhibit Disc 1. This Exhibit 4 essentially corresponds to Exhibit B submitted with Docket No. 390, but includes one page that was omitted from the prior version. As stated above, the Court finds that Defendants have established compelling reasons to seal the redacted portions of the document.

The motion to seal is therefore **GRANTED IN PART** as to Plaintiff's Exhibit 4 on Disc 1, which should be replaced with the redacted version submitted at Docket No. 396-2. The remaining documents filed with Plaintiffs' Motion at Docket No. 401 are not sealed. Sealing is **DENIED** as to the remaining documents submitted with Plaintiffs' administrative motion at Docket No. 401. They shall be filed on the public docket within seven days of this order. *See* Civ. Local Rules 79-5(f).

3. Dkt. No. 416

Plaintiffs filed the Administrative Motion to File Documents Under Seal at Docket No. 416 in connection with their opposition to Defendants' cross-motions for summary judgment.

Plaintiffs seek to seal Exhibit A, a chart they created in support of part of their arguments; Exhibit B, an unredacted version of their opposition the UC Administrator Defendants' Motion for Summary Judgment, and certain documents designated as confidential by Defendants (Exhibits 1-7, 31-35, and 37 in support of their opposition). As above, recognizing that the higher standard applies, Defendants concede that all documents should be publicly available.

Consequently, the motion to seal at Docket No. 416 is **DENIED**. All documents filed under seal in connection with the administrative motion at Docket No. 416 should be filed on the public docket within seven days of this order. *See* Civ. Local Rule 79-5(f).

This terminates Dkt. Nos. 390, 401, and 416.

IT IS SO ORDERED.

Dated: February 24, 2016

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT

United States District Court
Northern District of California