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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 MICHELE FOTINOS, on behalf of  
9 herself and as Guardian ad Litem  
10 for her minor children, R.F. and  
11 A.F.,

12 Plaintiff,

13 v.

14 JOHN FOTINOS; DAWN GROVER; RENEE  
15 LA FARGE; BONNIE MILLER; KAMALA  
16 HARRIS, Attorney General; JAYNE  
17 KIM, Chief Trial Counsel, State  
18 Bar of California; ROBYN PITTS,  
19 City of Belmont Police Officer;  
20 MARK REED, San Mateo County  
21 Deputy Sheriff; PATRICK CAREY,  
22 San Mateo County Deputy Sheriff;  
23 SHANNON MORGAN; CITY OF BELMONT;  
24 COUNTY OF SAN MATEO; and RENEE  
25 LAFARGE,

26 Defendant.  
27  
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No. C 12-953 CW

ORDER GRANTING  
PLAINTIFF'S MOTION  
TO SEAL (Docket  
No. 48), STRIKING  
IMPROPERLY FILED  
DOCUMENT (Docket  
No.47) AND  
DIRECTING  
PLAINTIFF TO  
REVIEW ALL  
DOCUMENTS ON THE  
DOCKET

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22 On May 24, 2012, Plaintiff Michele Fotinos filed a response  
23 to Defendant Attorney General Kamala Harris's motion to dismiss  
24 and an ex parte application to file the response out of time.  
25 Docket Nos. 43 and 44. In an order dated May 25, 2012, the Court  
26 struck those documents and their supporting exhibits because they  
27 contained the full name of Plaintiff's minor child, R.F. and other  
28 personally identifying and sensitive information related to R.F.  
Docket No. 45. The Court permitted Plaintiff to re-file redacted

1 versions of the documents in the public record, and a motion to  
2 file under seal undredacted versions of the documents.

3 Plaintiff has attempted to comply with the Court's order.  
4 She has filed an administrative motion to file Exhibit 3 under  
5 seal and has lodged a copy of that document with the Court.  
6 Because the public interest favors filing all court documents in  
7 the public record, any party seeking to file a document under seal  
8 must demonstrate good cause to do so. Pintos v. Pac. Creditors  
9 Ass'n, 605 F.3d 665, 678 (9th Cir. 2010). This cannot be  
10 established simply by showing that the document is subject to a  
11 protective order or by stating in general terms that the material  
12 is considered to be confidential, but rather must be supported by  
13 a sworn declaration demonstrating with particularity the need to  
14 file each document under seal. See Civil Local Rule 79-5(a).  
15 Having reviewed Exhibit 3, the Court finds that Plaintiff has  
16 demonstrated good cause for the document to be filed under seal.  
17 Accordingly, the Court GRANTS Plaintiff's motion to file under  
18 seal (Docket No. 48).

19 Plaintiff has also filed purportedly redacted versions of the  
20 response to Defendant Harris's motion to dismiss and Exhibits 1,  
21 2, 4 and 5 to the motion to dismiss<sup>1</sup> in the public record.  
22 However, Plaintiff has not effectively redacted information from  
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24 <sup>1</sup> The Court notes that Plaintiff has filed several exhibits  
25 in support of her filings without an affidavit or declaration  
26 authenticating those exhibits as required by Civil Local Rule 7-5.  
27 The Court did not rely on any of those exhibits in its decisions  
28 thus far. However, counsel is admonished to ensure that all  
future filings comply with all Federal Rules of Civil Procedure  
and Civil Local Rules.

1 the exhibits she filed in the public record. It appears that she  
2 used a pen to cross out the first names of Plaintiff's children.  
3 The pen markings are not thorough, and the text underneath is easy  
4 to read. In addition, Exhibit 1 contains the full first name of  
5 another minor, and Exhibit 5 has not been redacted. Plaintiff has  
6 further failed to file an administrative motion to file under seal  
7 unredacted versions of the motion to dismiss and Exhibits 1, 2, 4  
8 and 5 or to lodge unredacted versions of these documents with the  
9 Court.

10 Within seven days of the date of this Order, Plaintiff shall  
11 file an administrative motion to file the relevant portions of the  
12 response to Defendant Harris's motion to dismiss and related  
13 exhibits under seal, lodge her unredacted response to Defendant  
14 Harris's motion to dismiss and exhibits with the Court and file  
15 properly redacted versions of the response and exhibits in the  
16 public record. The Court notes that the Northern District of  
17 California has posted helpful information about redaction on its  
18 public website, which can be accessed at  
19 <https://ecf.cand.uscourts.gov/cand/faq/tips/redacting.htm>. The  
20 District has also posted helpful information about E-Filing under  
21 seal, which can be accessed at  
22 <http://cand.uscourts.gov/ecf/underseal>.

23 Further, because Docket No. 47 contains confidential  
24 material, the Court STRIKES Docket No. 47 and directs the Clerk to  
25 delete it from the public docket.

26 Finally, the Court notes that many of Plaintiff's filings  
27 include the full names of her minor children and other personally  
28 identifying and sensitive information related to her children.

1 For example, Plaintiff's application for appointment of Guardian  
2 ad Litem (Docket No. 10) contains both of the children's full  
3 names and mailing addresses. In addition, an unredacted  
4 psychological evaluation of R.F. is attached as an exhibit to the  
5 application. Plaintiff's counsel is reminded of her duty to  
6 comply with the Federal Rules of Civil Procedure and the Local  
7 Rules of this Court. The Court will temporarily seal the entire  
8 docket to permit Plaintiff an opportunity to review all of her  
9 filings, and to file appropriate motions to seal.

10 Within fourteen days of the date of this order, Plaintiff  
11 shall re-file, using only the child's initials, any document in  
12 which she previously used any minor child's first name. If this  
13 is the only change Plaintiff is making to a document, she may do  
14 so without a motion. In addition Plaintiff shall file motions to  
15 seal documents or portions of documents that contain other  
16 sensitive information related to her minor children.

17 To aid the Court in its review of Plaintiff's compliance with  
18 this order, Plaintiff is instructed to provide the Court with a  
19 list of all of the documents she has filed indicating:

- 20 1. The docket numbers of documents she has filed that do not  
21 contain any names of minor children or information that  
22 should be filed under seal.
- 23 2. Which documents Plaintiff is re-filing only to substitute  
24 initials for names (For each such document, please provide  
25 the docket number of the document that should be stricken  
26 from the docket and the corresponding docket number of the  
27 newly filed replacement document)

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3. Which documents contain information that Plaintiff believes should be filed under seal (For each such document, please provide the docket number of the document that should be stricken from the docket and the corresponding Docket Number of the administrative motion to seal related to that document.)

IT IS SO ORDERED.

Dated: 3/19/2013

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge