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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JESSE HERNANDEZ, ET AL.,

Plaintiffs,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

Case No. 13-cv-02354-BLF

**ORDER GRANTING PLAINTIFFS’  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

[Re: ECF 600]

Plaintiffs have filed an administrative motion to seal documents submitted in support of their Motion to Enforce Settlement Agreement, which is set for hearing on September 20, 2017. The motion is GRANTED for the reasons set forth below.

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097. The Court concludes that the documents at issue here, which are filed in support of Plaintiffs’ Motion to Enforce Settlement Agreement, are more than tangentially related to the merits. Therefore, the “compelling reasons” standard applies.

In addition to satisfying the “compelling reasons” test, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the

1 identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or  
2 protective order that allows a party to designate certain documents as confidential is not sufficient  
3 to establish that a document, or portions thereof, are sealable.” *Id.*

4 Plaintiffs move to seal in their entirety Exhibits 2 through 30 to the Declaration of Pablo  
5 Stewart, M.D., in Support of Plaintiffs’ Motion to Enforce Settlement Agreement, and to seal in  
6 part Exhibits A through F to the Declaration of Ernest Galvan in support of Plaintiffs’ Motion to  
7 Enforce Settlement Agreement. Plaintiffs submit the Declaration of Van Swearingen in support of  
8 their sealing requests. *See Swearingen Decl.*, ECF 600. Mr. Swearingen states that Exhibits 2  
9 through 30 to the Stewart Declaration consist of records that contain confidential personal medical  
10 information and security-sensitive information. *Swearingen Decl.* ¶ 4. Mr. Swearingen states that  
11 the proposed redactions to Exhibits A through F to the Galvan Declaration relate to confidential  
12 and personal information of class members and security-sensitive information. *Id.* ¶ 6. The Court  
13 has reviewed the documents and concludes that Mr. Swearingen’s characterization of the  
14 documents is accurate. Plaintiffs therefore have established compelling reasons for sealing and  
15 their request is narrowly tailored to seal only sealable material.

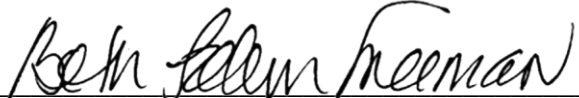
16 Accordingly, Plaintiffs’ administrative sealing motion is GRANTED as to the following  
17 documents:

- 18 (1) Exhibits 2 through 30 to the Declaration of Pablo Stewart, M.D., in Support of  
19 Plaintiffs’ Motion to Enforce Settlement Agreement; and
- 20 (2) Exhibits A through F to the Declaration of Ernest Galvan in support of Plaintiffs’  
21 Motion to Enforce Settlement Agreement.

22 **IT IS SO ORDERED.**

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Dated: July 26, 2017

  
BETH LABSON FREEMAN  
United States District Judge