

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 RE ADMINISTRATIVE  
MOTIONS TO FILE UNDER SEAL**

[Re: ECF 862, 863]

This order addresses two administrative motions, both filed by Plaintiffs, addressing sealing with respect to the 11th Mental Health Report produced by Dr. James Vess on March 8, 2024, and the 15th Medical Care Audit Report produced by Dr. Bruce Barnett on February 29, 2024 (together, “the Neutral Monitor Reports”). The motions are addressed in turn as follows.

*(1) Plaintiffs’ Administrative Motion to Seal (ECF 862)*

In Plaintiffs’ Administrative Motion to Seal (ECF 862), Plaintiffs move to seal limited portions of the Neutral Monitor Reports, specifically, material in those reports falling into the following three categories: (1) incarcerated people’s names, dates of birth/death, and booking numbers, except that initials will be used to identify deceased class members; (2) the names and email addresses of health care staff employed by Wellpath, who are directly involved in providing or supervising patient care at the Monterey County Jail; and (3) all other personal contact information, including those of the Court appointed neutral monitors. Defendants have not filed opposition to the sealing motion and their time to do so has elapsed.

1           The Court must determine whether Plaintiff’s motion to seal should be evaluated under the  
2 “compelling reasons” standard applicable to documents that are “more than tangentially related to  
3 the merits of a case,” or under the lesser “good cause” standard. *Ctr. for Auto Safety v. Chrysler*  
4 *Grp.*, LLC, 809 F.3d 1092, 1101-02, 1097 (9th Cir. 2006). The Court finds the compelling  
5 reasons standard to be applicable, because the reports prepared by neutral monitors in this case go  
6 to the heart of the relief sought – adequate medical and mental health care, reasonable  
7 accommodations for disabilities, and protection from violence at the Monterey County Jail.

8           The Court previously considered requests to seal neutral monitor reports in this case under  
9 the compelling reasons standard. *See* Order Re. Admin. Mots., ECF 802. The Court found that  
10 sealing the reports in their entirety was not warranted, but that there were compelling reasons to  
11 redact limited portions of the reports to protect certain personal identifying information and health  
12 records. *See id.* Under the same rationale, the Court finds that compelling reasons exist to redact  
13 limited portions of the recent Neutral Monitor Reports at issue in the present motion, and that  
14 Plaintiffs’ sealing request is narrowly tailored as required under this district’s Civil Local Rules.  
15 *See* Civ. L.R. 79-5(c).

16           Plaintiffs’ Administrative Motion to Seal (ECF 862) is GRANTED with respect to the  
17 limited portions of the Neutral Monitor Reports identified in the chart below.

18           (2) *Plaintiffs’ Administrative Motion to Consider Whether to File Under Seal Neutral*  
19 *Monitor Reports (ECF 863)*

20           Plaintiff’s Administrative Motion to Consider Whether to File Under Seal Neutral Monitor  
21 Reports (ECF 863) indicates that although *Plaintiffs* seek to seal only limited portions of the  
22 Neutral Monitor Reports as discussed above, Defendants may wish to seal the Neutral Monitor  
23 Reports in their entirety. Plaintiffs filed their second motion to trigger Defendants’ seven-day  
24 deadline to justify the sealing of the Neutral Monitor Reports in their entirety. Defendants have  
25 not filed a response and their deadline to do so has elapsed.

26           Accordingly, Plaintiff’s Administrative Motion to Consider Whether to File Under Seal  
27 Neutral Monitor Reports (ECF 863) is DENIED.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

(1) Plaintiffs’ Administrative Motion to Seal (ECF 862) is GRANTED with respect to the limited portions of the Neutral Monitor Reports identified in the chart below. The redacted Neutral Monitor Reports SHALL be filed in separate docket entries so as to allow for public access. Chambers copies of the unredacted Neutral Monitor Reports SHALL be delivered to chambers.

**Information to Be Redacted and Filed Under Seal**

Document	Portion(s) to Seal	Reason(s) for Sealing
Exhibit B to March 21, 2024 Notice of Filing Medical and Mental Health Neutral Monitor Reports - 11th Mental Health Report	Highlighted portions at pages 1, 49, 61-63	Contains information identifying class members, providers of patient care, and compliance ratings on requirements released from monitoring. Public disclosure would cause harm.
Exhibit A to March 21, 2024 Notice of Filing Medical and Mental Health Neutral Monitor Reports - 15th Medical Audit Report	Highlighted portions at pages 14-20, 28-30; highlighted portions in report attachment Physician Case Review; highlighted portions of attachment Monitoring Audit Tool at pages 2-4, 9-12, 14-27, 34	Contains information identifying class members and providers of patient care. Public disclosure would cause harm.

(2) Plaintiff’s Administrative Motion to Consider Whether to File Under Seal Neutral Monitor Reports (ECF 863) is DENIED.

(3) This order terminates ECF 862 and 863.

Dated: April 8, 2024

  
 \_\_\_\_\_  
 BETH LABSON FREEMAN  
 United States District Judge