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

LISA GALLEGOS,
Plaintiff,

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,
Defendant.

Case No. 16-cv-01268-BLF

**ORDER GRANTING MOTION TO
SEAL**

Before the Court is the parties' joint administrative motion to file under seal administrative record of Plaintiff Lisa Gallegos. ECF 39. For the reasons stated below, the motion is GRANTED.

I. LEGAL STANDARD

There is a "strong presumption in favor of access" to judicial records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). A party seeking to seal judicial records bears the burden of overcoming this presumption by articulating "compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Id.* at 1178-79. Compelling reasons for sealing court files generally exist when such "court files might have become a vehicle for improper purposes,' such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* (quoting *Nixon v. Warner Commc 'ns, Inc.*, 435 U.S. 589, 598 (1978)). However, "[t]he mere fact that the production of records may lead to a litigant's embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records." *Kamakana*, 447 F.3d at 1179. Ultimately, "[w]hat constitutes a 'compelling reason' is

1 ‘best left to the sound discretion of the trial court.’” *Ctr. for Auto Safety v. Chrysler Grp., LLC*,
2 809 F.3d 1092, 1097 (9th Cir. 2016).

3 “Despite this strong preference for public access, [the Ninth Circuit has] carved out an
4 exception,” *id.* at 1097, for judicial records attached to motions that are “tangentially related to the
5 merits of a case,” *id.* at 1101. Parties moving to seal such records need only make a
6 “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure
7 26(c). *Kamakana*, 447 F.3d at 1180 (quoting *Foltz*, 331 F.3d at 1138).

8 In this District, parties seeking to seal judicial records must furthermore follow Civil Local
9 Rule 79-5, which requires, *inter alia*, that a sealing request be “*narrowly tailored* to seek sealing
10 *only* of sealable material.” Civil L.R. 79-5(b) (emphasis added). Where the submitting party
11 seeks to file under seal a document designated confidential by another party, the burden of
12 articulating compelling reasons for sealing is placed on the designating party. *Id.* 79-5(e).

13 **II. DISCUSSION**

14 The Court has reviewed the parties’ sealing motion and the declaration of Sevana
15 Baboian in support thereof. According to the declaration, the entire administrative record should
16 be sealed because the majority of the documents therein contain Plaintiff’s confidential medical
17 and financial information. Baboian Decl., ECF 39-1 ¶¶ 4-5. Given the size of the administrative
18 record and the amount of personal information contained therein, the parties argue that redacting
19 such information would be inefficient, impractical, and would place an undue burden on the
20 parties. *Id.* ¶ 6.

21 The Court finds that the “compelling” standard applies, as the administrative record is
22 related to the merits of a case. Because the majority of documents in the administrative record
23 contain Plaintiff’s confidential personal information, they are appropriately sealable. *E.g., Doe v.*
24 *UNUM Life Ins. Co. of Am.*, 164 F. Supp. 3d 1140, 1147 (N.D. Cal. 2016) (ordering the
25 administrative record to be filed under seal); *Doe v. PricewaterhouseCoopers Health & Welfare*
26 *Benefit Plan*, No. 13-02710-JSW, 2014 WL 2737840, at *1 n.1 (N.D. Cal. June 11, 2014) (same).

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III. ORDER

For the foregoing reasons, the sealing motion at ECF 39 is GRANTED.

Dated: April 3, 2017


BETH LABSON FREEMAN
United States District Judge