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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LIONEL RUBALCAVA,  
Plaintiff,  
v.  
CITY OF SAN JOSE, et al.,  
Defendants.

Case No. 20-cv-04191-BLF (VKD)  
**ORDER GRANTING  
ADMINISTRATIVE MOTION TO  
SEAL EXHIBIT TO DISCOVERY  
LETTER**  
Re: Dkt. No. 173

Plaintiff Lionel Rubalcava moves to seal a transcript of his deposition testimony (Dkt. No. 173-3), attached as an exhibit to the parties’ March 20, 2023 discovery letter brief regarding Mr. Rubalcava’s deposition (Dkt. No. 174). Dkt. No. 173. Mr. Rubalcava represents that “large portions of the document contain highly sensitive information, including personal and medical information, and information which could pose a serious risk to Plaintiff were it to be disseminated publicly.” *Id.* Defendants stipulate to Mr. Rubalcava’s request. Dkt. No. 173-1.

There is a strong presumption in favor of access by the public to judicial records and documents accompanying dispositive motions that can be overcome only by a showing of “compelling reasons supported by specific factual findings.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotation marks and citation omitted). However, the presumption does not apply equally to a motion addressing matters that are only “tangentially related to the merits of a case,” *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101 (9th Cir.), *cert. denied sub nom FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016). A party seeking to seal documents or information in connection with such a motion must meet the lower “good cause” standard of Fed. R. Civ. P. 26(c). *Id.* at 1098-99; *Kamakana*,

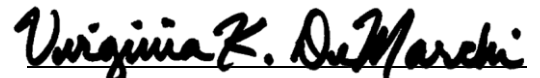
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447 F.3d at 1179-80.

Mr. Rubalcava’s motion to seal concerns information disclosed in connection with a discovery dispute. The underlying discovery dispute does not address the merits of the underlying claims or defenses, and the Court therefore applies the “good cause” standard of Rule 26(c). The Court finds good cause to seal the deposition transcript.

**IT IS SO ORDERED.**

Dated: May 22, 2023

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge