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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MILLENNIUM LABORATORIES, INC.,	
	Plaintiff,
vs.	
ALLIED WORLD ASSURANCE COMPANY (U.S.), INC.,	
	Defendant.

CASE NO. 12-CV-2280 H (KSC)

**ORDER DENYING
PLAINTIFF'S MOTION TO
SEAL THE COURT'S ORDER**

[Doc. No. 74]

On July 22, 2013, the Court denied Plaintiff Millennium Laboratories, Inc.'s motion for summary judgment without prejudice. (Doc. No. 73.) On July 24, 2013, Plaintiff filed a motion to file the Court's July 22, 2013 order under seal. (Doc. No. 74.) Specifically, Plaintiff requests that the Court redact footnotes 1 and 2 from the public version of the order. (*Id.*) The Court has reviewed the two footnotes at issue and concludes that good cause does not exist to seal the two footnotes.

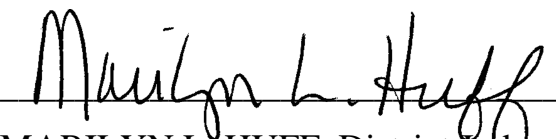
"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" Kamakana v. City & Cnty of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Commc'ns., Inc., 435 U.S. 589, 597 & n.7 (1978)). Except for documents that are traditionally kept secret, there is "a strong presumption in favor of access to court

1 records.” Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003);
2 see also Kamakana, 447 F.3d at 1178-79. “A party seeking to seal a judicial record then
3 bears the burden of overcoming this strong presumption by meeting the compelling
4 reasons standard. That is, the party must articulate compelling reasons supported by
5 specific factual findings, . . . that outweigh the general history of access and the public
6 policies favoring disclosure, such as the public interest in understanding the judicial
7 process.” Kamakana, 447 F.3d at 1178-79 (citations and quotation marks omitted).
8 The presumed right to access to court proceedings and documents can be overcome
9 “only by an overriding right or interest ‘based on findings that closure is essential to
10 preserve higher values and is narrowly tailored to serve that interest.’” Oregonian
11 Publ’g Co. v. United States Dist. Ct., 920 F.2d 1462, 1465 (9th Cir.1990) (quoting
12 Press-Enterprise Co. v. Sup. Ct., 446 U.S. 501, 510 (1985)).

13 Although there is no right of public access to information about a grand jury
14 investigation during the pre-indictment stage of the investigation, United States v. Bus.
15 of the Custer Battlefield Museum, 658 F.3d 1188, 1192 (9th Cir. 2011), it is public
16 knowledge that Plaintiff is being investigated by a federal grand jury for allegations of
17 health care fraud. (See Doc. No. 1 ¶¶ 2, 13-14; Doc. No. 57-2, Declaration of Robert
18 Wiygul Ex. 2.) Footnotes 1 and 2 do not reveal any additional material information
19 about the grand jury investigation. Accordingly, the Court denies Plaintiff’s motion to
20 seal the Court’s order. See, e.g., E.I. du Pont de Nemours & Co. v. Kolon Indus., 2012
21 U.S. Dist. LEXIS 5608, at *15-16 (E.D. Va. Apr. 20, 2012) (denying motion to seal
22 where it was public knowledge that there was a grand jury investigation against the
23 defendant).

24 **IT IS SO ORDERED.**

25 DATED: July 29, 2013

26 
27 MARILYN L. HUFF, District Judge
28 UNITED STATES DISTRICT COURT