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

JUSTIN SPANGLER, individually
and on behalf of all those similarly
situated, *et al.*,

 Plaintiffs,

 v.

NATIONAL COLLEGE OF
TECHNICAL INSTRUCTION, *et*
al.,

 Defendants.

Case No. 14-cv-3005 DMS (RBB)

**ORDER DENYING MOTION TO
FILE DOCUMENTS UNDER
SEAL**

On September 2, 2016, Defendants filed a motion for leave to file under seal their reply brief in support of their motion for summary judgment along with other documents supporting that reply brief. (*See* Docket No. 104.)

“Courts have long recognized ‘a general right to inspect and copy public records and documents, including judicial records and documents.’” *Rieckborn v. Velti PLC*, No. 13-cv-03889-WHO, 2014 WL 4964313, at *1 (N.D. Cal. Oct. 3, 2014) (quoting *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978)). However, “[t]his right is not absolute. To balance the competing interests of the public’s right of access against litigants’ need for confidentiality, a party seeking to file under seal materials related to dispositive motions must provide ‘compelling reasons’ to do so.” *Id.* (quoting *Kamakana v. City & County of Honolulu*, 447 F.3d

1 1172, 1178 (9th Cir. 2006)). Under this standard, “a party seeking to seal materials
2 must ‘articulate compelling reasons supported by specific factual findings,’
3 providing the court with ‘articulable facts’ identifying the particular interests
4 favoring secrecy and showing how those interests outweigh the ‘strong presumption’
5 favoring disclosure.” *Id.* (quoting *Kamakana*, 447 F.3d at 1178-81). “In general,
6 compelling reasons sufficient to justify sealing exist when the materials ‘might have
7 become a vehicle for improper purposes, such as ... to gratify private spite, promote
8 public scandal, ... or release trade secrets.”” *Id.* (quoting *Kamakana*, 447 F.3d at
9 1179). “‘The mere fact that the production of records may lead to a litigant’s
10 embarrassment, incrimination, or exposure to further litigation will not, without
11 more, compel the court to seal its records.’” *Id.* (quoting *Kamakana*, 447 F.3d at
12 1179).

13 Here, Defendants have not provided compelling reasons for filing the
14 identified documents under seal. Accordingly, their motion is denied. The Clerk of
15 Court shall file the documents according to the regular filing procedure.

16 **IT IS SO ORDERED.**

17 Dated: August 15, 2017



18 Hon. Dana M. Sabraw
19 United States District Judge
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