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6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA
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9 JANET WHEELER,
10 Plaintiff,
11 v.
12 HOME DEPOT U.S.A., INC.,
13 Defendant.

Case No.: 15-CV-2236-CAB-AGS

**ORDER RE PLAINTIFF’S MOTION
TO FILE DOCUMENTS UNDER
SEAL**

[Doc. No. 42]

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15 This matter is before the Court on Plaintiff’s motion to file documents under seal
16 [Doc. No. 42] in connection with his opposition to Defendant’s motion for summary
17 judgment. Plaintiff’s only argument supporting the confidential nature of these documents
18 is that they were designated as confidential by Defendant. Consequently, the Court does
19 not expect any opposition to the motion from Defendant, who bears the burden of
20 establishing why these documents should be sealed. However, it is not obvious from the
21 contents of the documents themselves that “compelling reasons” justify sealing the
22 documents notwithstanding the “strong presumption” in favor of public access. *See*
23 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (“A party
24 seeking to seal a judicial record then bears the burden of overcoming this strong
25 presumption by meeting the “compelling reasons” standard.”).

26 In light of the foregoing, the Court is disinclined to allow the documents seal-lodged
27 at Docket Number 43 to be filed under seal. Nevertheless, the Court does not want to
28 further delay this case with argument about the documents’ purported confidential nature.

1 Accordingly, it is hereby **ORDERED** as follows:

- 2 1. The motion to file under seal is **GRANTED** *temporarily*;
- 3 2. On or before January 18, 2017, Defendant shall file either (a) a memorandum not
4 to exceed ten pages explaining why the documents should be filed under seal,
5 with citation to legal authority, if any; or (b) a notice that the confidential
6 designation is withdrawn and the document(s) can be filed publicly;
- 7 3. Plaintiff may, but is not obligated to, file a memorandum not to exceed ten pages
8 asserting her position as to whether the documents should be filed under seal; and
- 9 4. Upon receipt of the response(s) to this Order, the Court will determine whether
10 to order that the documents be sealed permanently, or publicly filed.

11 It is **SO ORDERED**.

12 Dated: January 11, 2017



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14 Hon. Cathy Ann Bencivengo
15 United States District Judge
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