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

JAMES HELDT,

Plaintiff,

v.

THE GUARDIAN LIFE
INSURANCE COMPANY OF
AMERICA,

Defendant.

Case No. 16-cv-885-BAS-NLS

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

[ECF No. 57]

Presently before the Court is Defendant's Motion to File Documents Under Seal. (ECF No. 57.) Defendant seeks to file under seal portions of the declaration of Kelly Gillespie, the declaration of Kimberly Stauder, and exhibits 8, 9, 10, 12, 13, 15, 16, 22, and 24.

I. LEGAL STANDARD

"[T]he courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents." *Nixon v. Warner Commc 'ns, Inc.*, 435 U.S. 589, 597 (1978). "Unless a particular court record is one 'traditionally kept secret,' a 'strong presumption in favor of access' is the starting point." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). "The presumption of access is 'based on the need for federal courts, although

1 independent—indeed, particularly because they are independent—to have a measure
2 of accountability and for the public to have confidence in the administration of
3 justice.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir.
4 2016) (quoting *United States v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995)).

5 A party seeking to seal a judicial record bears the burden of overcoming the
6 strong presumption of access. *Foltz*, 331 F.3d at 1135. The showing required to
7 meet this burden depends upon whether the documents to be sealed relate to a motion
8 that is “more than tangentially related to the merits of the case.” *Ctr. for Auto Safety*,
9 809 F.3d at 1102. When the underlying motion is more than tangentially related to
10 the merits, the “compelling reasons” standard applies. *Id.* at 1096–98. When the
11 underlying motion does not surpass the tangential relevance threshold, the “good
12 cause” standard applies. *Id.*

13 “In general, ‘compelling reasons’ sufficient to outweigh the public’s interest
14 in disclosure and justify sealing court records exists when such ‘court files might
15 have become a vehicle for improper purposes,’ such as the use of records to gratify
16 private spite, promote public scandal, circulate libelous statements, or release trade
17 secrets.” *Kamakana*, 447 F.3d at 1179 (quoting *Nixon*, 435 U.S. at 598). However,
18 “[t]he mere fact that the production of records may lead to a litigant’s embarrassment,
19 incrimination, or exposure to further litigation will not, without more, compel the
20 court to seal its records.” *Id.* (citing *Foltz*, 331 F.3d at 1136). The decision to seal
21 documents is “one best left to the sound discretion of the trial court” upon
22 consideration of “the relevant facts and circumstances of the particular case.” *Nixon*,
23 435 U.S. at 599.

24 Federal Rule of Civil Procedure 26(c), generally, provides the “good cause”
25 standard for the purposes of sealing documents. *See Kamakana*, 447 F.3d at 1179.
26 The test applied is whether “‘good cause’ exists to protect th[e] information from
27 being disclosed to the public by balancing the needs for discovery against the need
28 for confidentiality.” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir.

1 2010) (quoting *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,
2 1213 (9th Cir. 2002)). Under Rule 26(c), only “a *particularized showing* of ‘good
3 cause’ . . . is sufficient to preserve the secrecy of sealed discovery documents.” *In*
4 *re Midland Nat. Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119
5 (9th Cir. 2012) (emphasis added); *see also Kamakana*, 447 F.3d at 1180 (requiring a
6 “particularized showing” of good cause). “Broad allegations of harm,
7 unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule
8 26(c) test.” *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

9 **II. ANALYSIS**

10 The declarations and exhibits that Defendant seeks to file under seal contain
11 Plaintiff’s medical information. Documents containing specific medical information
12 may be filed under seal. *See Domingo v. Brennan*, 690 Fed. Appx. 928, 930 (9th Cir.
13 2017). The need to protect medical privacy qualifies as a “compelling reason” to
14 seal documents. *G. v. Hawai’i*, CV 08–00551 ACK–BMK, 2010 WL 2607483, at
15 *1 (D. Hawaii June 25, 2010); *see also Lombardi v. TriWest Healthcare Alliance*
16 *Corp.*, CV 08–02381, 2009 WL 1212170, *1 (D. Ariz. May 4, 2009) (allowing the
17 defendant to file exhibits under seal where they contained “sensitive personal and
18 medical information”); *Skinner v. Ashan*, CV 04–2380, 2007 WL 708972, at *2
19 (D.N.J. Mar. 2, 2007) (observing that medical records “have long been recognized
20 as confidential in nature”).

21 Having reviewed Defendant’s request and the documents, the Court finds that
22 Defendant provides compelling reasons to seal portions of the declaration of Kelly
23 Gillespie, the declaration of Kimberly Stauder, and exhibits 8, 9, 10, 12, 13, 15, 16,
24 22, and 24. The Court **GRANTS** Defendant’s motion to file documents under seal.
25 (ECF No. 57.)

26 **IT IS SO ORDERED.**

28 **DATED: November 13, 2018**


Hon. Cynthia Bashant
United States District Judge