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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 Bryon Stafford, Individually and on  
12 Behalf of All Others Similarly Situated,  
13 Plaintiff,  
14 v.  
15 Rite Aid Corporation,  
16 Defendant.

Case No.: 17-cv-1340-AJB-JLB

**ORDER GRANTING DEFENDANT’S  
MOTION TO FILE DOCUMENTS  
UNDER SEAL (Doc. No. 79)**

17 Before the Court is Rite Aid’s motion to file documents under seal in support of their  
18 motion to compel arbitration. (Doc. No. 79.) Defendants seek to keep parts of their motion  
19 under seal that reveal Plaintiff’s personal health information or private contractual  
20 information between Rite and third-party payors regarding claims. (Doc. No. 79 at 2–3.)  
21 Because Rite Aid overcomes the strong presumption to public access and shows  
22 compelling reasons for sealing, the Court **GRANTS** Rite Aid’s motion.

23 **I. LEGAL STANDARDS**

24 “[T]he courts of this country recognize a general right to inspect and copy public  
25 records and documents, including judicial records and documents.” *Nixon v. Warner*  
26 *Comm’ns, Inc.*, 435 U.S. 589, 597 (1978). “Unless a particular court record is one  
27 ‘traditionally kept secret,’ a ‘strong presumption in favor of access’ is the starting point.”  
28 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Foltz v.*

1 *State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). “The presumption of  
2 access is ‘based on the need for federal courts, although independent—indeed, particularly  
3 because they are independent—to have a measure of accountability and for the public to  
4 have confidence in the administration of justice.’ ” *Ctr. for Auto Safety v. Chrysler Grp.,*  
5 *LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *United States v. Amodeo*, 71 F.3d 1044,  
6 1048 (2d Cir. 1995)). A party seeking to seal a judicial record bears the burden of  
7 overcoming the strong presumption of access. *Foltz*, 331 F.3d at 1135. The showing  
8 required to meet this burden depends upon whether the documents to be sealed relate to a  
9 motion that is “more than tangentially related to the merits of the case.” *Ctr. for Auto Safety*,  
10 809 F.3d at 1102. When the underlying motion is more than tangentially related to the  
11 merits, the “compelling reasons” standard applies. *Id.* at 1096–98. When the underlying  
12 motion does not surpass the tangential relevance threshold, the “good cause” standard  
13 applies. *Id.*

## 14 II. DISCUSSION

15 The first category of information Rite Aid seeks to keep sealed is Plaintiff’s  
16 protected health information and other personal information. Leave to file personal and  
17 confidential identification information under seal is properly granted because it “could  
18 become a vehicle for improper purposes.” *McMillan v. Chaker*, 2017 WL 4417686, at \*2  
19 (S.D. Cal. 2017) (quoting *Kamakana v. City and Cty. of Honolulu*, 447 F.3d 1172, 1179  
20 (9th Cir. 2006)). Indeed, Federal Rule of Civil Procedure 5.2 requires redaction of such  
21 information from public filings. Here, the information Rite Aid seeks to redact matches the  
22 personal and confidential information contemplated by these rules. Accordingly, the Court  
23 **GRANTS** its sealing.

24 The second category of information Rite Aid seeks to keep sealed is information  
25 between Rite Aid and its third-party payor parties which is subject to confidentiality  
26 provisions. Confidential contracts are properly sealed where disclosure “might harm [the]  
27 litigants’ competitive standing.” *See Golden Boy Promotions, Inc. v. Top Rank, Inc.*, No.  
28 2:10-cv-01619-RLH-RJJ, 2011 WL 686362, at \*2 (D. Nev. Feb. 17, 2011). Such harm

