

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GOPHER MEDIA LLC, et al.,
Plaintiffs,
v.
ANDREW MELONE, et al.,
Defendants.

Case No.: 3:21-cv-01909-RBM-VET

**ORDER GRANTING PLAINTIFFS’
UNOPPOSED MOTION TO FILE
DOCUMENTS UNDER SEAL**

[Doc. Nos. 135, 136]

AGFM FAMILY ENTERPRISES, LLC
DBA AMERICAN PIZZA
MANUFACTURING, et al.,
Counterclaimants,
v.
GOPHER MEDIA LLC, et al.,
Counter-Defendants.

Before the Court is Gopher Media LLC and Ajay Thakore’s (collectively, “Plaintiffs”) Unopposed Motion to File Documents Under Seal (the “Motion to Seal”). Doc. No. 135. Plaintiffs request to file a medical record under seal in connection with a motion to excuse Plaintiff Ajay Thakore from attending an upcoming Mandatory

1 Settlement Conference due to medical unavailability. *Id.*; *see also* Doc. No. 137. Plaintiffs
2 lodged an unredacted copy of the subject medical record with the Court. Doc. No. 136.
3 Based on a review of the Motion and the record, the Court **GRANTS** the Motion for the
4 reasons set forth below.

5 **I. LEGAL STANDARD**

6 “[T]he courts of this country recognize a general right to inspect and copy public
7 records and documents, including judicial records and documents.” *Nixon v. Warner*
8 *Comm'ns, Inc.*, 435 U.S. 589 (1978). “Unless a particular court record is one ‘traditionally
9 kept secret,’ a ‘strong presumption in favor of access’ is the starting point.” *Kamakana v.*
10 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (*quoting Foltz v. State Farm*
11 *Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). “The presumption of access is
12 ‘based on the need for federal courts, although independent—indeed, particularly because
13 they are independent—to have a measure of accountability and for the public to have
14 confidence in the administration of justice.’” *Ctr. for Auto Safety v. Chrysler Grp., LLC*,
15 809 F.3d 1092, 1096 (9th Cir. 2016) (*quoting United States v. Amodeo*, 71 F.3d 1044, 1048
16 (2d Cir. 1995)).

17 A party seeking to seal a judicial record bears the burden of overcoming the strong
18 presumption of access. *Foltz*, 331 F.3d at 1135. To overcome this presumption of access,
19 the party must demonstrate either “good cause” or “compelling reasons” to seal a record,
20 depending on the motion to which the record relates. *Ctr. for Auto*, 809 F.3d at 1096–97.
21 If the underlying motion is more than tangentially related to the merits, the “compelling
22 reasons” standard applies. *Id.* at 1096–98. When the underlying motion does not surpass
23 this threshold, the “good cause” standard applies. *Id.* Further, “[e]ven if it may be
24 appropriate to seal a document in its entirety, a party should still redact records whenever
25 possible.” *Craig v. Am. Tuna, Inc.*, No. 22-cv-00473, 2023 U.S. Dist. LEXIS 211558, at
26 *10 (S.D. Cal. Nov. 28, 2023).

1 **II. ANALYSIS**

2 First, the Court finds that the “good cause” standard applies to the Motion to Seal.
3 Mr. Thakore’s medical record relates to a motion to excuse his attendance at a Mandatory
4 Settlement Conference due to medical unavailability. *See* Doc. No. 137. Such a motion is
5 not more than tangentially related to the merits of this case; indeed, it is not related to the
6 merits whatsoever.

7 Second, the Court finds there is good cause to seal Mr. Thakore’s medical record.
8 The medical record relates to Mr. Thakore’s sensitive personal and medical information.
9 Further, the personal medical information conveyed in the medical record is not at issue in
10 the present action. *See, e.g., Craig*, 2023 U.S. Dist. LEXIS 211558, at *10 (sealing letter
11 that contained pervasive references to plaintiff’s health information); *Weisberg v. Takeda*
12 *Pharms. U.S.A., Inc.*, No. CV 18-784, 2018 U.S. Dist. LEXIS 225905, at *3 (C.D. Cal.
13 July 3, 2018) (sealing records that “contain personal identifying information and medical
14 records that are not put at issue by this action” under the “compelling reasons” standard).
15 Additionally, the medical record is not appropriate for redaction and should be sealed in its
16 entirety.

17 **III. CONCLUSION**

18 Accordingly, the Court **GRANTS** Plaintiffs’ Motion to Seal. Doc. No. 135. The
19 Clerk of the Court **SHALL FILE** the Lodgment (Doc. No. 136) **UNDER SEAL**.

20 **IT IS SO ORDERED.**

21 Dated: June 4, 2024

22 

23
24 Honorable Valerie E. Torres
United States Magistrate Judge