

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARK HOLICK,

Plaintiff,

v.

Case No. 16-1188-JWB

JULIE A. BURKHART,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Leave to File Exhibits Under Seal (Docs. 199, 200). The motion asserts that the exhibits attached to the motion "are of the nature that they should be sealed" and indicates that Defendant agrees to the sealing of the exhibits. (Doc. 199 at 1).

The standards governing sealing court records was summarized by Judge Lungstrum in *New Jersey and its Div. of Inv. v. Sprint Corp.*, No. 03-2071-JWL, 2010 WL 5416837 (D. Kan. Dec. 17, 2010):

Courts, including the Tenth Circuit, have long recognized a common-law right of access to judicial records. *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir.2007) (citations omitted). The right of access to judicial records is not absolute and the presumption of access "can be rebutted if countervailing interests heavily outweigh the public interests in access." *Id.* The party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption. *Id.*

Plaintiff's motion fails to identify any basis for sealing the exhibits in question, let alone one that outweighs the public interest in access to court records. The exhibits referred to by Plaintiff (Docs. 199, 200) appear to include some documents previously filed publicly in state court and/or attached to unsealed filings in the present case, as well as several affidavits, which

are ordinarily considered public records when filed. Absent a showing of the privacy interests or other factors that justify sealing these records, the court cannot grant the motion.

IT IS THEREFORE ORDERED this 8th day of May, 2018, that Plaintiff's Motion for Leave to File Under Seal (Doc. 199) is DENIED. The denial is without prejudice to Plaintiff refiling a motion that contains an adequate showing for sealing the exhibits.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE