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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 VICTOR VILLALTA,

8 Plaintiff,

9 vs.

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT, *et al.*,

12 Defendants.

Case No. 2:16-cv-01714-JAD-GWF

ORDER

13 This matter is before the Court on Defendants' Motion to for Leave to File Exhibits Under
14 Seal (ECF No. 20), filed on June 26, 2017.

15 Defendants request leave to file Exhibits B, C, E, F, G, H, I, J, K, R, and X attached to
16 Defendant Las Vegas Metropolitan Police Department's ("LVMPD") motions for summary
17 judgment (ECF No. 19) under seal. The Ninth Circuit comprehensively examined the presumption
18 of public access to judicial files and records in *Kamakana v. City and County of Honolulu*, 447 F.3d
19 1172 (9th Cir. 2006). There, the court recognized that different interests are at stake in preserving
20 the secrecy of materials produced during discovery and materials attached to dispositive motions.
21 The *Kamakana* court held that a "good cause" showing is sufficient to seal documents produced
22 during discovery. *Id.* at 1180. However, the *Kamakana* decision also held that a showing of
23 "compelling reasons" is needed to support the secrecy of documents attached to dispositive motions.
24 A showing of "good cause" does not, without more, satisfy the "compelling reasons" test required to
25 maintain the secrecy of documents attached to dispositive motions. *Id.*

26 *Kamakana* recognized that "compelling reasons" sufficient to outweigh the public's interests
27 in disclosure and justify sealing records exist when court records may be used to gratify private
28 spite, permit public scandal, circulate libelous statements, or release trade secrets. *Id.* at 1179

1 (internal quotations omitted). However, “[t]he mere fact that the production of records may lead to
2 a litigant’s embarrassment, incrimination, or exposure to further litigation will not, without more,
3 compel the court to seal its records.” *Id.*, citing, *Foltz v. State Farm Mutual Auto Insurance*
4 *Company*, 331 F.3d 1122, 1136 (9th Cir. 1995). To justify sealing documents attached to
5 dispositive motions, a party is required to present articulable facts identifying the interests favoring
6 continuing secrecy *and* show that these specific interests overcome the presumption of public access
7 by outweighing the public’s interests in understanding the judicial process. *Id.* at 1181 (internal
8 citations and quotations omitted).

9 On balance, here, the interest in maintaining the privacy of non-party victims and documents
10 that contain sensitive and private information confidential outweighs the need for the public’s
11 access to information. The Court, therefore, grants Defendant’s request to seal Exhibits B, C, E, F,
12 G, H, I, J, K, R, and X attached to its motion for summary judgment. Accordingly,

13 **IT IS HEREBY ORDERED** that Defendants’ Motion to for Leave to File Exhibits Under
14 Seal (ECF No. 20) is **granted**.

15 DATED this 28th day of June, 2017.

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18 GEORGE FOLEY, JR.
19 United States Magistrate Judge
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