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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RAYMOND GARCIA, et al.,

11 Plaintiff(s),

12 v.

13 SERVICE EMPLOYEES
14 INTERNATIONAL UNION, et al.,

15 Defendant(s).

Case No.: 2:17-cv-01340-APG-NJK

Order

[Docket Nos. 135, 136, 148]

16 Pending before the Court are three motions to seal related to discovery motion practice.
17 Docket Nos. 135, 136, 148.

18 At issue are hundreds of pages of documents produced by Defendants in this case.
19 Defendants filed declarations that assert at times that “portions” of these documents are sealable.
20 See, e.g., Docket No. 135-1 at ¶ 9 (“portions of the memorandum designated ‘Confidential’ address
21 sensitive internal organizing strategy”). Any request to seal documents must be “narrowly
22 tailored” to remove from the public sphere only the material that warrants secrecy. E.g., *Ervine v.*
23 *Warden*, 214 F. Supp. 3d 917, 919 (E.D. Cal. 2016) (citing *Press-Enterprise Co. v. Superior Court*
24 *of Cal.*, 464 U.S. 501 (1986)). As a corollary, to the extent any confidential information can be
25 easily redacted while leaving meaningful information available to the public, the Court must order
26 that redacted versions be filed rather than sealing entire documents. *Foltz v. State Farm Mut.*
27 *Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003); see also *In re Roman Catholic Archbishop of*
28 *Portland in Oregon*, 661 F.3d 417, 425 (9th Cir. 2011) (the district court must “keep in mind the

1 possibility of redacting the sensitive material”). Absent from Defendants’ filings is an explanation
2 why redaction, rather than wholesale sealing of these exhibits, is not appropriate. The Court hereby
3 **ORDERS** Defendants to file copies of these exhibits with proposed redactions targeted at the
4 particular confidential information within these documents. Defendants shall also file a
5 supplement explaining the basis for allowing secrecy as to each redaction proposed and explaining
6 why redaction is not feasible for any documents for which wholesale sealing is sought. This
7 supplement must be complete in itself and must provide a basis for each sealing/redaction request
8 being made.¹ Defendants shall comply with this order by September 13, 2018.

9 With respect to Docket Nos. 135 and 135-1, the Court provided the parties with an opportunity
10 to explain why such documents should be sealed, Docket No. 137 at 2, and no filing was made doing
11 so. Docket No. 135-2 is similarly not sealable. That exhibit consists of an email exchange between
12 counsel regarding the stipulated protective order entered in this case and the procedures for filing
13 documents under seal. As such the Clerk’s Office is **INSTRUCTED** to unseal the filings at Docket
14 Nos. 135, 135-1, and 135-2. The Court **DEFERS** ruling on the other aspects of the motions to seal
15 pending the filing of the supplement identified above.²

16 IT IS SO ORDERED.

17 Dated: September 6, 2018

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19 _____
20 Nancy J. Koppe
21 United States Magistrate Judge
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25 ¹ Defendants at times purport to incorporate by reference arguments made elsewhere. See
26 Docket No. 148-1 at ¶ 3. The Court declines to proceed in that fashion. The page limitations for
27 motions shall not apply to this filing, though Defendants should be as concise as the subject matter
28 permits.

² As such, for the time-being, the following exhibits shall remain sealed: Docket Nos. 134-
17, 135-3, 135-4, 135-5, 135-6, 149.