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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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| RAYMOND GARCIA, et al., |) | Case No. 2:17-cv-01340-APG-NJK |
| |) | |
| Plaintiff(s), |) | AMENDED ORDER |
| |) | |
| v. |) | |
| |) | |
| SERVICE EMPLOYEES INTERNATIONAL |) | |
| UNION, et al., |) | |
| |) | |
| Defendant(s). |) | |

The Court has entered a Protective Order to facilitate discovery in this case. This order reminds counsel that there is a presumption of public access to judicial files and records. A party seeking to file a confidential document under seal must file a motion to seal and must comply with the Ninth Circuit’s directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

The Court has adopted electronic filing procedures. Attorneys must file documents under seal using the Court’s electronic filing procedures. See Local Rule IA 10-5. Papers filed with the Court under seal must be accompanied with a concurrently-filed motion for leave to file those documents under seal. See Local Rule IA 10-5(a).

The Court has approved the blanket protective order to facilitate discovery exchanges. But **there has been no showing, and the Court has not found, that any specific documents are secret or confidential.** The parties have not provided specific facts supported by declarations or concrete examples to establish that a protective order is required to protect any specific trade secret or other confidential information pursuant to Rule 26(c) or that disclosure would cause an identifiable and

1 significant harm. The Ninth Circuit has held that there is a presumption of public access to judicial files
2 and records, and that parties seeking to maintain the confidentiality of documents attached to
3 nondispositive motions must show good cause exists to overcome the presumption of public access. *See*
4 *Kamakana* 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents attached to
5 dispositive motions must show compelling reasons sufficient to overcome the presumption of public
6 access. *Id.* at 1180. **All motions to seal must address the applicable standard and explain why that**
7 **standard has been met.** The fact that a court has entered a blanket protective order and that a party has
8 designated a document as confidential pursuant to that protective order does not, standing alone,
9 establish sufficient grounds to seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331
10 F.3d 1122, 1133 (9th Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th
11 Cir. 1992).

12 A party shall file under seal any documents designated as confidential by the opposing party (or
13 any non-party) and shall contemporaneously file a motion to seal those documents. Within seven days
14 of the filing of such a motion to seal, the designator shall file either: (1) a declaration establishing
15 sufficient justification for keeping each document at issue sealed or allowing partial redaction, or (2) a
16 notice of consent to unsealing. If neither filing is made by the designator, the Court may order the
17 document(s) unsealed without further notice.

18 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule IA 10-5, the
19 Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above, with respect
20 to any documents filed under seal.

21 DATED: January 15, 2019

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25 NANCY J. KOPPE
26 United States Magistrate Judge
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