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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MANUEL QUIROZ, JR.,

Plaintiff,

v.

JEFFREY A. DICKERSON,

Defendant.

Case No. 3:10-CV-00657-LRH-WGC

ORDER

Re: ECF No. 279

Before the court is the parties' Stipulation to seal "certain matters [which] have been attached to Plaintiff's Motion work." (ECF No. 279.)¹ Although the parties' stipulation refers to "sealing" certain matters, the text of their stipulation requests that the identified documents also be redacted.

Background

The request for redacting apparently arises from the court's Minutes of Proceedings of November 9, 2015, which state the court would entertain a request that certain of Plaintiff's filings which refer to Defendant's confidential information not only be sealed but redacted. (ECF No. 262 at 2.

After reviewing the November 9, 2015, recordings of proceedings, the court confirmed there was no statement made by the court that the documents asserted to be confidential could be redacted. The record should have reflected the court stated it would consider authorizing sealing of the records, but not redaction as well. This component of the minutes (ECF No. 262 at 2) are in error and have subsequently been corrected with the filing of amended minutes. (ECF No. 280.)

¹ Refers to court's Electronic Case Filing (ECF) number.

1 records to gratify private spite, promote public scandal, circulate libelous statements, or release
2 trade secrets.” Kamakana, 447 F.3d at 1179 (citing Nixon, 435 U.S. at 598).

3 However, the Ninth Circuit has applied the lesser “good cause” showing from Federal
4 Rule of Civil Procedure 26(c) in some circumstances, such as when a party seeks to seal
5 materials filed in connection with a discovery motion. See *id.* at 1179-80. Federal Rule of Civil
6 Procedure 26(c) governs protective orders issued in the discovery process and provides: “The
7 court may, for good cause, issue an order to protect a party or person from annoyance,
8 embarrassment, oppression, or undue burden or expense....” Fed. R. Civ. P. 26(c).

9 Many courts within the Ninth Circuit, including this one, previously determined whether
10 to apply the “compelling reasons” standard or the lesser “good cause” standard by looking at
11 whether a motion was dispositive or non-dispositive. See Kamakana, 447 F.3d at 1179; see also
12 *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d1092, 1097 (9th Cir. 2016).

13 The Ninth Circuit recently clarified, however, that the key in determining which standard
14 to apply is not whether the proposed sealed documents accompany a dispositive or non-
15 dispositive motion. *Center for Auto Safety*, 809 F.3d at 1101. “Rather, public access will turn on
16 whether the motion is more than tangentially related to the merits of a case.” *Id.*

17 This court, and others within the Ninth Circuit, have recognized on various occasions that
18 the need to protect certain documents, such as medical documents qualifies as a “compelling
19 reason” for sealing records. See, e.g., *San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins.*
20 *Co.*, 2011 WL89931, at *n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins.*
21 *Co.*, 2010 WL4715793, at * 1-2 (D. HI. Nov. 15, 2010); *G. v. Hawaii*, 2010 WL 267483, at *1-2
22 (D.HI. June 25, 2010); *Wilkins v. Ahern*, 2010 WL3755654 (N.D. Cal. Sept. 24, 2010);
23 *Lombardi v. TriWest Healthcare Alliance Corp.*, 2009 WL 1212170, at * 1 (D.Ariz. May 4,
24 2009). Other categories of documentation which have been approved for sealing include trade
25 secrets. *McDonnell v. Southwest Airlines Co.*, 292 Fed. Appx, 679, 680 (9th Cir. 2008).

26 **Discussion**

27 The court notes that the parties do not seek to seal all of the filings related to Plaintiff’s
28 attempts to gain enforcement of the judgment entered in this matter (ECF No. 134), which

1 revolve around financial issues pertaining to Mr. Dickerson's ability or willingness (or inability
2 or unwillingness, depending on the parties' perspective) to satisfy the judgment. Instead, the
3 parties have agreed that only three pages of filings are sensitive financially to Mr. Dickerson and
4 should be protected from public scrutiny. The records were filed with the court after the case has
5 been concluded on the merits and, as noted above, proceeds now primarily with respect to
6 Mr. Quiroz's attempts to execute on the judgment. The court agrees that these records should be
7 afforded protection similar to that provided medical records or trade secrets as there is no need
8 for public access to Defendant Dickerson's financial records. There is no compelling reason that
9 Defendant's selected financial records should be in the public domain.

10 Here, the documents the parties wish to seal are identified as: Exhibit B to ECF No. 251
11 (ECF No. 251 at p. 18 of 19); Exhibit A to ECF No. 255 (ECF No. 255 at p. 8 of 12); and
12 Exhibit A to ECF No. 260 (ECF No. 260 at p. 11 of 27). These documents contain
13 Defendant's sensitive financial information. Balancing the need for the public's access to
14 information regarding Defendant's financial information against the need to maintain the
15 confidentiality of these Exhibits weighs in favor of sealing them.

16 Therefore, the stipulation of the parties, (ECF NO. 279) is **GRANTED IN PART** and the
17 court **SEALS** Exhibit B to ECF No. 251 (ECF No. 251 at p. 18 of 19); Exhibit A to ECF No.
18 255 (ECF No. 255 at p. 8 of 12); and Exhibit A to ECF No. 260 (ECF No. 260 at p. 11 of 27).

19 **IT IS SO ORDERED.**

20 DATED: February 16, 2016.

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22 WILLIAM G. COBB
23 UNITED STATES MAGISTRATE JUDGE
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