UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ROBERT A. SLOVAK,

Plaintiff,

v.

GOLF COURSE VILLAS HOMEOWNERS' ASSOCIATION, et al.,

Defendants.

Case No. 3:13-CV-0569-MMD-CLB

ORDER GRANTING MOTIONS TO SEAL

[ECF No. 340 & 344]

Before the Court are two motions to seal. (ECF Nos. 340 & 344.) Plaintiff filed a motion to file his emergency motion to continue evidentiary hearing under seal. (ECF No. 341.) Plaintiff's emergency motion to continue contains medical information and records of the Plaintiff, his counsel, and an expert witness. (ECF No. 341). Wells Fargo also filed a motion to seal its opposition to the emergency motion to continue evidentiary hearing, (ECF No. 345), due to its reference to the same medical information. (ECF No. 344.)

"The courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents." *Courthouse News Serv. v. Planet*, 947 F.3d 581, 591 (9th Cir. 2020) (quoting *Courthouse News Serv. v. Brown*, 908 F.3d 1063, 1069 (7th Cir. 2018)). Certain documents are exceptions to this right and are generally kept secret for policy reasons, including grand jury transcripts and warrant materials in a pre-indictment investigation. *United States v. Bus. of Custer Battlefield Museum & Store Located at Interstate 90, Exit 514, S. of Billings, Mont.*, 658 F.3d 1188, 1192 (9th Cir. 2011) (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)).

If a party seeks to file a document under seal, there are two possible standards the party must address: the compelling reasons standard or the good cause standard. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016). The choice between the two standards depends on whether the documents proposed for

sealing accompany a motion that is "more than tangentially related" to the merits of the case. *Id.* at 1099. If it is more than tangentially related, the compelling reasons standard applies. If not, the good cause standard applies. *Ctr. for Auto Safety*, 809 F.3d at 1102.

Here, the parties seek to file documents under seal in connection with the emergency motion to continue evidentiary hearing, (ECF No. 341), which is not "more than tangentially related" to the merits of the case. In fact, it is not related to the merits of this case in any way. Therefore, the less exacting good cause standard applies.

Here, the referenced documents contain the sensitive health information of three individuals. (ECF No. 341 & 345.) Balancing the need for the public's access to information related to the medical history, treatment, and condition of the three individuals mentioned in the emergency motion to continue evidentiary hearing against the need to maintain the confidentiality of the individuals medical information weighs in favor of sealing these documents. For good cause appearing, the motions to seal, (ECF Nos. 340 & 344), are **GRANTED**.

IT IS SO ORDERED.

DATED: August 19, 2021

UNITED STATES MAGISTRATE JUDGE