

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 TERRI KNAACK, individually, and as
8 Administrator of the Estate of Joseph Knaack,
9 deceased, ANDREW KNAACK,

Plaintiffs,

v.

10 KNIGHT TRANSPORTATION, INC.;
11 KNIGHT REFRIDGERATED, LLC;
12 KNIGHT-SWIFT TRANSPORTATION
13 HOLDINGS, INC.; CAROL WALKER,

Defendants.

Case No. 3:17-cv-00172-LRH-WGC

ORDER

14
15 Before the Court is Plaintiffs' Motion to Keep Motions in Limine Under Seal Pursuant to
16 Protective Order (ECF No. 114). Defendants joined plaintiffs' motion (ECF No. 117).

17 The court is acutely cognizant of the presumption in favor of public access to papers filed
18 in the district court. See Hagestad v. Tragesser, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a
19 party seeking to file materials under seal bears the burden of overcoming that presumption by
20 showing that the materials are covered by an operative protective order and are also deserving of
21 confidentiality. See Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2005).
22 Specifically, a party must "articulate compelling reasons supported by specific factual findings
23 that outweigh the general history of access and the public policies favoring disclosure."
24 Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal
25 citations omitted).

26 This case revolves primarily around the issue of damages in a wrongful death action. The
27 parties have stipulated to and the court has entered a protective order to safeguard confidential
28 information obtained in connection to Small Mines Development ("SMD"), the decedent's

1 business. See ECF No. 21. The court has reviewed the parties' motions in limine on file with this
2 matter and finds some of the documents have a protected status and contain content deemed
3 "Highly Confidential." However, the parties have failed to follow the local rules and
4 appropriately file redacted versions of these motions for public record. Rather, plaintiffs filed all
5 of these documents open, without any redactions, while defendants filed these documents
6 improperly for in camera review. See LR IA 10-4 and 10-5.

7 While the court is cognizant of the fact that a blanket motion to seal all motions in limine
8 is inappropriate, it is also cognizant of the fact that SMD is not a party to this litigation and the
9 parties' failure to protect SMD's confidential information should not harm SMD. Therefore, the
10 court will grant plaintiffs' motion to seal. The parties will have 10 days from entry of this order
11 to refile these motions in accordance with the local rules: a redacted copy of the document filed
12 publicly, an unredacted copy of the document filed under seal, and a related motion to seal the
13 unredacted copy of the document identifying why the document, or parts therein, should remain
14 sealed. The court will then rule properly on each motion to seal.

15 IT IS THEREFORE ORDERED that plaintiffs' motion to Keep Motions in Limine Under
16 Seal Pursuant to Protective Order (ECF No. 114) is **GRANTED**.


17 IT IS FURTHER ORDERED that plaintiffs are to file the appropriate motions to seal,
18 following the local rules set forth in this Order, within 10 days from entry of this Order.

19 IT IS FURTHER ORDERED that defendants are to file all documents improperly
20 submitted for in camera review either on the docket or, if applicable, filed under seal following
21 all applicable local rules as set forth in this Order, within 10 days from entry of this Order.

22 IT IS FURTHER ORDERED that the Clerk of Court is to Seal the following documents:
23 ECF Nos. 78, 79, 80, 81, 83, 85, 87, 89, 91, 93, 94, 95, 99, 100, 101, 102, 103, 104, 105, 106,
24 107, 108, 110, 112.

25 IT IS SO ORDERED.

26 DATED this 31st day of January, 2019.

27 
28 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE