

HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MANUAL G. GARCIA, individually;
SHERMAN MAH, individually; AND
RICHARD J. WOLFINGTON, individually,

Plaintiffs,

v.

CITY OF EVERETT, a municipal
corporation; DAVID M. FUDGE,
individually and his marital community;
KATHERINE A. ATWOOD, individually
and her marital community,

Defendants.

CASE NO. C14-00030RAJ

MINUTE ORDER

The clerk issues the following minute order by the authority of the Honorable Richard A. Jones, United States District Court Judge.

This matter comes before the court on plaintiffs’ motion to seal opposition brief and exhibits in support of summary judgment. Dkt. # 47. Defendants filed a response in support of this motion, which establishes the basis for sealing specific pages within plaintiffs’ exhibits 15, 23, 26, 30, and 39. Dkt. # 49. The motion is GRANTED IN PART.

There is a presumption of public access to judicial records and documents. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). Therefore, a party must normally

1 demonstrate “compelling reasons” to seal judicial records attached to a dispositive
2 motion. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

3 Here, there is a compelling reason to seal third-party personnel information. *See*,
4 *e.g.*, *Zuccaro v. MobileAccess Networks, Inc.*, 2012 WL 261342, at *4-5 (W.D. Wash.
5 Jan. 30, 2012) (granting motion to seal documents “relating to employees’ private data,”
6 including “financial statements, spreadsheets containing base salaries, targets, and
7 expected bonus and commission compensation...regarding various business and
8 employment decisions.”). However, contrary to the parties’ assumptions the court does
9 not have the ability to seal specific pages of exhibits. The parties are required to file
10 unredacted versions of the exhibits as well as redacted versions on the public docket. The
11 redactions must be narrowly tailored. *See Murphy v. Kavo Am. Corp.*, 2012 WL 1497489
12 (N.D.Cal. 2012) (denying motion to seal entire exhibits, but allowing parties to redact
13 confidential information); *Kamakana*, 447 F.3d at 1183 (noting that redactions are
14 preferable as they “have the virtue of being limited and clear.”).

15 Accordingly, the court issues the following order with respect to the documents
16 subject to this motion:

17 **1. Plaintiffs’ Opposition**

18 Plaintiffs filed an unredacted version of their opposition (Dkt. # 49) along with a
19 redacted version on the public docket (Dkt. # 68). The redacted version addresses the
20 specific lines identified by defendants as confidential. *See* Dkt. # 83, p. 6 (designating
21 page 28, lines 17-20). No further action is required with respect to plaintiffs’ opposition
22 brief.

23 **2. Exhibits 15, 23, 26, 30, and 39**

24 Defendants have designated the following pages as containing confidential third-
25 party personnel information:

Exhibit	Bates Number
15	COE014868, 14870, 14872, 14874, 14876, 14881, 14883, and 14885.
23	COE014415
26	COE014876
30	COE014798
39	COE014827

The court agrees that these specific pages contain confidential data that should be sealed. Accordingly, defendants are directed to file redacted versions of these exhibits on the public docket on or before April 20, 2015. The redacted versions should contain the entire exhibit, with the specific pages noted above redacted.

Dated this 16th day of April, 2015.

WILLIAM M. MCCOOL
Clerk

s/Rhonda Stiles
Deputy Clerk