

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDIQAFAR WAGAFE, et al.,  
  
Plaintiffs,  
  
v.  
  
DONALD TRUMP, et al.,  
  
Defendants.

CASE NO. C17-94 RAJ  
  
ORDER

This matter comes before the Court on Plaintiffs’ Motion to Seal. Dkt. # 240. Plaintiff seeks to file under seal unredacted versions of Plaintiffs’ Reply in Support of Motion to Compel and Opposition to Defendants’ Cross-Motion for a Protective Order (“Reply”) and Exhibits C-K attached to the Declaration of Sameer Ahmed in support of the Reply (“Ahmed Declaration”). See Dkt. ## 244-53. Defendants have responded to Plaintiffs’ Motion. Dkt. # 256. For the reasons stated below, the Court **GRANTS** Plaintiffs’ Motion to Seal.

**I. DISCUSSION**

“There is a strong presumption of public access to the court’s files.” Western District of Washington Local Civil Rule (“LCR”) 5(g). “Only in rare circumstances should a party file a motion, opposition, or reply under seal.” LCR 5(g)(5). Normally the

1 moving party must include “a specific statement of the applicable legal standard and the  
2 reasons for keeping a document under seal, with evidentiary support from declarations  
3 where necessary.” LCR 5(g)(3)(B).

4         However, where parties have entered a stipulated protective order governing the  
5 exchange in discovery of documents that a party deems confidential, “a party wishing to  
6 file a confidential document it obtained from another party in discovery may file a motion  
7 to seal but need not satisfy subpart (3)(B) above. Instead, the party who designated the  
8 document confidential must satisfy subpart (3)(B) in its response to the motion to seal or  
9 in a stipulated motion.” LCR 5(g)(3). A “good cause” showing under Rule 26(c) will  
10 suffice to keep sealed records attached to non-dispositive motions. *Kamakana v. City &  
11 County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal citations omitted).  
12 For dispositive motions, the presumption may be overcome by demonstrating  
13 “compelling reasons.” *Id.*; *Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1135-36  
14 (9th Cir. 2003).

15         Plaintiffs move to seal to requested documents on two different bases. First,  
16 Plaintiffs move to seal Exhibits C-E of the Ahmed Declaration (Dkt. ## 245-47), because  
17 Defendants have designated these documents as “Confidential” under the parties’  
18 protective order. Dkt. # 240 at 3. Plaintiffs apparently take no position on the  
19 appropriateness of keeping these documents under seal. Defendants have responded, and  
20 argue that these documents contain “sensitive but unclassified information” about the  
21 “investigative techniques used by USCIS officers to maintain the integrity of the legal  
22 immigration system and combat fraud, criminal activity, and other threats to public safety  
23 and national security.” Dkt. # 256 at 3. Defendants argue, with supporting declarations,  
24 that the public release of these exhibits could cause injury by allowing individuals to  
25 modify their behavior to avoid detection by authorities. *Id.* The Court agrees that  
26 Defendants’ showing, at this point, provides good cause for keeping this limited subset of  
27 documents under seal. Accordingly, Defendants have met their burden to provide a

1 “specific statement” articulating why these documents should be kept under seal. LCR  
2 5(g)(3). The Court **GRANTS** Plaintiffs’ Motion as to Exhibits C-E.

3 As to the other documents, the Court finds that Plaintiffs have made the requisite  
4 showing to support maintaining these documents under seal. Plaintiffs argue that these  
5 documents, which comprise Exhibits F-K (Dkt. ## 248-53), contain sensitive personal  
6 information that cannot be redacted, and the public release of which could cause harm.  
7 Dkt. # 240 at 3. The Court agrees, and **GRANTS** Plaintiffs’ Motion with respect to  
8 Exhibits F-K.

9 **II. CONCLUSION**

10 For the reasons stated above, the Court **GRANTS** Plaintiffs’ Motion to Seal. Dkt.  
11 # 240. Plaintiffs may retain the unredacted versions of Plaintiff’s Reply to their Motion  
12 to Compel and Opposition to Defendants’ Cross-Motion (Dkt. # 244), and Exhibits C-K  
13 to the Ahmed Declaration (Dkt. ## 245-53), under seal.

14 Dated this 28th day of May, 2019.

15  
16 

17  
18 The Honorable Richard A. Jones  
19 United States District Judge  
20  
21  
22  
23  
24  
25  
26  
27