

The Honorable James L. Robart

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

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARK JEFFERY LEE,

Plaintiff,

vs.

SNOHOMISH COUNTY,

Defendant.

No. 17-cv-00176-JLR

STIPULATED MOTION AND  
~~PROPOSED~~ ORDER TO FILE  
DOCUMENTS UNDER SEAL.

Pursuant to LCR 5(g)(2), the parties, by and through their respective counsel of record, hereby jointly move the Court for an Order permitting Defendant Snohomish County to file documents under seal that Defendant filed with the Court in support of its motion for Summary Judgment. These documents are Plaintiff Mark Lee’s personal medical records, and are attached as page 2 of Exhibit K to the declaration of Marilyn Finsen and Exhibit H to the declaration of Rhea Reynolds in Support of Defendant’s Motion for Summary Judgment.

**A. AUTHORITY.**

“There is a strong presumption of public access to the Court’s files.” LCR 5(g). In order to file documents in support of summary judgment under seal, the proponent of the records must show “compelling reasons.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1177 (9th Cir. 2006); *Foltz v. State Farm Mutual Auto Ins. Company*, 331 F.3d 1122, 1135 (9th Cir.

1 2003). The need to protect medical privacy generally qualifies as a “compelling reason.”  
2 *Karpenski v. American General Life Companies*, 2013 WL 5588312 at 1 (W.D. Wash Oct 9,  
3 2013).

4 ~~Good cause exists here. Courts generally recognize the privacy interest in personal~~  
5 ~~medical records. Redaction of the record is insufficient to protect Plaintiff’s privacy, as the entire~~  
6 ~~record is generally considered confidential. The parties agree that these records should be filed~~  
7 ~~under seal.~~

9 **B. CERTIFICATION.**

10 The parties certify that they have met and conferred through their counsel of record,  
11 Charlotte F. Comer and Rodney Moody, on April 23, 2018, in an attempt to reach agreement on  
12 the need to file the documents under seal, to minimize the amount of material filed under seal,  
13 and to explore redaction and other alternatives to filing under seal.  
14

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

16 DATED this 23rd day of April 2018.

17  
18  
19 MARK K. ROE  
20 Snohomish County Prosecuting Attorney

21  
22 By: /s/ Charlotte F. Comer  
23 STEVEN J. BLADEK, WSBA No. 24298  
24 CHARLOTTE F. COMER, WSBA No. 36805  
25 Deputy Prosecuting Attorneys  
26 Attorneys for Defendant Snohomish County  
27 Snohomish County Prosecuting Attorney –  
Civil Division  
3000 Rockefeller Ave., M/S 504

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

Everett, Washington 98201  
(425) 388-6330/FAX: (425) 388-6333  
Email: [sbladek@co.snohomish.wa.us](mailto:sbladek@co.snohomish.wa.us)  
Email: [ccomer@co.snohomish.wa.us](mailto:ccomer@co.snohomish.wa.us)

LAW OFFICES OF RODNEY MOODY

By: */s/ Rodney Moody via 4/23/18 email*  
RODNEY MOODY, WSBA No. 17416  
Attorney for Plaintiff  
2707 Colby Ave., Suite 603  
Everett, WA 98201  
(425) 740-2940/FAX: (425) 470-2941  
Email: [rmoody@rodneymoodylaw.com](mailto:rmoody@rodneymoodylaw.com)

STIPULATION TO FILE PLAINTIFF'S MEDICAL RECORDS  
UNDER SEAL - (USDC 17-cv-00176-JLR) - 3

S:\CivilLitigation\Lee,Mark\_C17-004\_(USDC\_17-cv-00176)\Pkgs\Drafts\Stip.Files\MedRecs.Under.Seal.docx

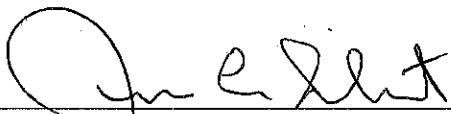
SNOHOMISH COUNTY  
PROSECUTING ATTORNEY - CIVIL DIVISION  
Robert Drewel Bldg., 8<sup>th</sup> Floor, M/S 504  
3000 Rockefeller Ave  
EVERETT, WASHINGTON 98201-4060  
(425)388-6330/FAX: (425)388-6333

**ORDER**

1  
2 This matter having come before the undersigned Judge of the above-entitled court, based  
3 upon the foregoing stipulation, now, therefore,

4 ~~IT IS HEREBY ORDERED~~ that records attached as page 2 Exhibit K to the declaration  
5 of Marilyn Finsen and Exhibit H to the declaration of Rhea Reynolds in support of Defendant  
6 Snohomish County's motion for summary judgment will be filed under seal.  
7

8  
9 DONE IN OPEN COURT this 26th day of April, 2018

10  
11   
12 \_\_\_\_\_  
13 Judge James L. Robart  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing Stipulation upon the person/persons listed by the method(s) indicated:

Law Offices of Rodney Moody  
2707 Colby Avenue, Suite 603  
Everett, WA 98201  
P: (425) 740-2940  
F: (425) 740-2941  
Rmoody@rodneymoodylaw.com  
*Attorney for Plaintiff*

- Electronic Filing (CM/ECF)
- Facsimile
- Express Mail
- Email
- U.S. Mail
- Hand Delivery
- Messenger Service

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED at Everett, Washington, this 24th day of April, 2018.

/S/ Leslie Berg  
Legal Assistant

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