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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 MIROSLAVA LEWIS,

8 Plaintiff,

9 v.

10 VAIL RESORTS, INC., *et al.*,

11 Defendants.

Cause No. C23-0812RSL

ORDER DENYING MOTION  
TO SEAL (Dkt. # 80)

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14 This matter comes before the Court on plaintiff's motion to seal her opposition to  
15 defendants' motion for summary judgment. Dkt. # 80. Plaintiff seeks to protect from public  
16 view the entirety of her response and supporting exhibits because defendants designated certain  
17 materials as confidential during discovery. Defendants, as the parties claiming confidentiality,  
18 have the burden of providing a statement of the applicable legal standards and the reasons for  
19 keeping each document under seal.  
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22 "There is a strong presumption of public access to the court's files," and, absent a  
23 showing that the public's right of access is outweighed by the interests of the public and/or the  
23 parties in shielding the material from public view, a seal is not appropriate. LCR 5(g). A party's  
25 unilateral designation of a document as confidential under a protective order does not, in and of  
26 itself, justify a seal under LCR 5(g)(2). Where a document has been offered in support of or  
27 opposition to a dispositive motion, the party requesting that the record be sealed  
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1 must articulate compelling reasons supported by specific factual findings that  
2 outweigh the general history of access and the public policies favoring disclosure,  
3 such as the public interest in understanding the judicial process. In turn, the court  
4 must conscientiously balance the competing interests of the public and the party  
5 who seeks to keep certain judicial records secret. After considering these interests,  
6 if the court decides to seal certain judicial records, it must base its decision on a  
7 compelling reason and articulate the factual basis for its ruling, without relying on  
8 hypothesis or conjecture.

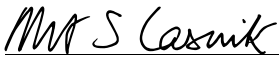
9 In general, “compelling reasons” sufficient to outweigh the public’s interest in  
10 disclosure and justify sealing court records exist when such court files might have  
11 become a vehicle for improper purposes, such as the use of records to gratify  
12 private spite, promote public scandal, circulate libelous statements, or release trade  
13 secrets. The mere fact that the production of records may lead to a litigant’s  
14 embarrassment, incrimination, or exposure to further litigation will not, without  
15 more, compel the court to seal its records.

16 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal  
17 citations, quotation marks, and alterations omitted).

18 Defendants have abandoned all of the relevant confidentiality designations except as to  
19 the Stevens Pass Lift Evaluation produced by Tramway Engineering, Ltd., in October 2016, Dkt.  
20 # 82-2. Defendants worry that the release of that document to the public would harm their  
21 competitive position by exposing operational vulnerabilities, would impair negotiations with  
22 vendors, contractors, and insurers who otherwise would not have access to this information, and  
23 could otherwise cause unwarranted public concern or reputational harm. At this stage of the  
24 proceeding, Dkt. # 82-2 may remain under seal. The seal is provisional, however. If the  
25 Evaluation is so germane to the summary judgment issues that it is quoted or its substance is  
26 otherwise disclosed in the Court’s order, the seal will be lifted as to those portions of the  
27 documents.

1 The Clerk of Court is directed to unseal Dkt. # 82-1 and # 82-3 through # 82-31. Dkt.  
2 # 81 shall remain under seal, but plaintiff shall file an unsealed version of the document for  
3 public viewing with only the two sentences taken from the Evaluation redacted (page 4, last two  
4 sentences of the first full paragraph).<sup>1</sup>  
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8 Dated this 27<sup>th</sup> day of January, 2025.

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10 Robert S. Lasnik  
11 United States District Judge  
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28 <sup>1</sup> Plaintiff is reminded of her obligation to minimize the amount of material filed under seal. In  
this case, only Dkt. # 82-2 should have been sealed in its entirety, and a redacted version of the  
opposition memorandum should have been filed for public viewing.