

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mark Watkins, et al. v. AvalonBay Communities, Inc.

Watkins · No. 25CV1119-AJB (BLM) · Decided December 3, 2025

SUMMARY

The United States District Court for the Southern District of California grants Plaintiffs’ ex parte motion to file under seal their reply supporting a motion to compel further discovery responses. Applying the good-cause standard to a non-dispositive discovery dispute and relying on the parties’ protective order, the Court orders the unredacted reply filed under seal while allowing the redacted version to remain publicly filed.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Barbara L. Major
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 3, 2025
DOCKET	25CV1119-AJB (BLM)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed an ex parte motion to file under seal an unredacted reply supporting their motion to compel further discovery responses. The motion was decided by the magistrate judge in connection with a non-dispositive discovery dispute.
STANDARD OF REVIEW	For discovery motions attached to non-dispositive motions and filed under seal pursuant to a valid protective order, the good-cause standard under Federal Rule of Civil Procedure 26(c) applies.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Mark Watkins, et al. v. AvalonBay Communities, Inc.

TOPICS

- discovery dispute
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs showed sufficient good cause under Federal Rule of Civil Procedure 26(c) to seal their unredacted reply and the confidential materials referenced in it.

HOLDINGS

1. Because the reply concerned a non-dispositive discovery dispute, was filed pursuant to a valid protective order, and relied on materials designated confidential, the public-access presumption was rebutted and good cause supported sealing the unredacted reply.

KEY QUOTATIONS

“For discovery motions attached to non-dispositive motions and filed under seal pursuant to a valid protective order, ‘the usual presumption of the public’s right of access [to court filings is rebutted].’” (at 2)

FACTUAL BACKGROUND

The parties entered a stipulated protective order that designated certain discovery responses, declarations, policy documents, and other materials as confidential. Plaintiffs' reply in support of their motion to compel relied on materials Defendant had designated confidential and on evidence filed under seal in support of Defendant's opposition. The parties met and conferred, and neither party opposed filing the material under seal.

PROCEDURAL HISTORY

The action was removed from San Diego Superior Court to the Southern District of California on May 2, 2025. The parties subsequently entered a stipulated protective order, and Plaintiffs filed a motion to compel further discovery responses along with related motions to seal portions of the briefing. After previously granting sealing requests concerning portions of the motion to compel and Defendant's opposition, the Court granted Plaintiffs' motion to seal the unredacted reply.

DISPOSITION

other

CASES CITED

- Orthopaedic Hospital v. Encore Medical, L.P., 2021 WL 5449041, at *2 (S.D. Cal. Nov. 19, 2021)
- Phillips ex rel. Estates of Byrd v. General Motors Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)
- Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1180 (9th Cir. 2006)

OPINION

Watkins

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 Case No.: 25CV1119-AJB (BLM) 11 MARK WATKINS, et al., 12 Plaintiffs, ORDER
GRANTING EX PARTE MOTION

TO FILE UNDER SEAL

13 v. ECF No. 45

14 AVALONBAY COMMUNITIES, INC.,

15 Defendant. 16

17 18 Before the Court is Plaintiffs' Ex Parte Motion to File Plaintiffs' Reply in Support of Motion
19 to Compel Further Discovery Responses Under Seal. ECF No. 45. Defendant has not filed an
20 opposition to this motion. See Docket. For the reasons set forth below, the Court GRANTS 21
Plaintiffs' Motion to File Under Seal.

BACKGROUND

22 On May 2, 2025, this action was removed from San Diego Superior Court to this Court. 23
ECF No. 1. Defendant filed their answer on May 30, 2025. ECF No. 9. The Court held a Case 24
Management Conference on August 25, 2025 and issued a Scheduling Order on August 27, 25
2025. ECF Nos. 16, 17. In this Scheduling Order, the parties were required to file a joint motion
26 for a protective order. ECF No. 17 at 1. On September 15, 2025, the Court granted the parties'
27 stipulated protective order ("SPO"). ECF No. 21. 1 discovery conference call with the
undersigned's Judicial Law Clerk regarding a discovery dispute. See Honorable Barbara L. Major
Chambers Rules – Civil Cases, Rule V.B. The 2 conference was held and based on the information
provided by both Plaintiffs' counsel and 3 Defendant's counsel, the Court issued a briefing
schedule on October 23, 2025 setting forth 4 dates by which Plaintiffs were to file a motion to
compel further discovery responses and a date 5 for Defendant to file an opposition. ECF No. 28.
6 Plaintiffs filed their motion to compel further discovery responses on November 3, 2025. 7 ECF
No. 29. Simultaneously, Plaintiffs filed an ex parte motion to seal a portion of the motion 8 to
compel. ECF No. 30. The Court granted this motion on November 5, 2025. ECF No. 32. 9
Defendant filed its opposition to Plaintiffs' motion to compel on November 17, 2025. ECF No.
34. Defendant also filed a motion to seal portions of its opposition. ECF No. 35. The Court
10 granted this motion on November 19, 2025.1 ECF No. 37. On December 1, 2025, Plaintiffs
filed 11 a motion to seal portions of the reply to the opposition. ECF No. 45. Plaintiffs' reply
"references 12 materials that Defendant designated as confidential under the [SPO]" as well as
citations to 13 "declarations and policy documents that Defendant designated confidential and
submitted in 14 support of its Opposition." See Declaration of Jimmie Davis Parker ("Parker
Decl."), ECF No. 45- 15 1 at ¶ 2. The parties have met conferred and "[n]either party opposed
filing of said material 16 under seal." Id. at ¶ 4.

17 MOTION TO FILE UNDER SEAL

18 Plaintiffs seek an order sealing Plaintiffs' unredacted Reply in Support of Motion to Compel 19 Further Responses. ECF 45. In accordance with the undersigned's Chambers Rules, Plaintiffs 20 lodged a unredacted version of the Reply in Support of Motion to Compel Further Responses. 21 ECF No. 46. 22 "For discovery motions attached to non-dispositive motions and filed under seal pursuant 23 to a valid protective order, 'the usual presumption of the public's right of access [to court filings 24 is rebutted].'" *Orthopaedic Hospital v. Encore Medical, L.P.*, 2021 WL 5449041, at *2 (S.D. Cal.

25 Nov. 19, 2021) (quoting *Phillips ex rel. Estates of Byrd v. General Motors Corp.*, 307 F.3d 1206,

26 27 1 The Court also granted Defendant's request to file a revised opposition under seal after 1 1213 (9th Cir. 2002)). Thus, a showing of good cause is sufficient under Federal Rule of Civil 2 Procedure Rule 26(c). *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 3 ||2006). Here, the underlying motion relates to a non-dispositive dispute regarding discovery 4 ||responses; thus, the good cause standard applies. In addition, Plaintiffs' reply relies on 5 ||"Defendant's discovery responses and evidence it submitted in support of its Opposition" that 6 deemed confidential under the parties' SPO and the Court permitted portions of the 7 Opposition to be filed under seal. Parker Decl. at | 2. Finally, the undersigned's Chambers 8 Rules, which are incorporated in the parties' protective order outlines, "[a] sealing order may 9 only upon a showing that the information is privileged or protectable under the law." Major 10 || Chambers Civil Rules VII, 2; ECF No. 21 at 6-7. 11 Based on the motion to file under seal [ECF No. 45], and for good cause shown, the 12 ||motion to seal is GRANTED and it is hereby ORDERED that Plaintiffs' Reply in Support of 13 || Motion to Compel Further Responses be filed under seal [ECF No. 46].

14 CONCLUSION

15 Based on the foregoing, Plaintiffs' ex parte motion to file documents under seal is 16 ||GRANTED. The Clerk of the Court is directed to file the unredacted version of Plaintiffs' motion 17 || [ECF No. 46] under seal. The redacted version of Plaintiffs' reply [ECF No. 44] shall continue to 18 || be filed in the public record. 19 IT IS SO ORDERED. 20 21 ||Dated: 12/3/2025 sobre Me oe 22 Hon. Barbara L. Major 3 United States Magistrate Judge 24 25 26 27 28