

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

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

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