

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

E.P. v. Tehachapi Unified School District, et al.

E.P. · No. 1:23-cv-01724-CDB · Decided March 17, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiff E.P.’s request to seal an independent educational evaluation report containing sensitive educational and medical information. The court found that sealing served compelling interests, that disclosure would harm those interests, and that no less restrictive alternative would adequately protect them.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 17, 2025
DOCKET	1:23-cv-01724-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to seal a report containing sensitive educational and medical information concerning a minor plaintiff.
STANDARD OF REVIEW	The Court applied the sealing factors set forth in <i>Oregonian Publishing Co. v. U.S. District Court for the District of Oregon</i> , requiring a compelling interest, a showing that the interest would be harmed absent sealing, and a determination that no less restrictive alternative would adequately protect that interest.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	E.P., a minor, by and through his guardian ad litem Michel Hernandez-Disla v. Tehachapi Unified School District, et al.

TOPICS

civil procedure

PRACTICE AREAS

Civil procedure Education law Disability law Privacy and confidentiality

QUESTIONS PRESENTED

1. Whether the report of the minor plaintiff's independent educational evaluation should be sealed under the applicable federal sealing standard and Local Rule 141.

HOLDINGS

1. The report should be sealed because Plaintiff identified compelling privacy and confidentiality interests, those interests would be harmed without sealing, and no alternative to sealing would adequately protect them.

KEY QUOTATIONS

“Accordingly, pursuant to Local Rule 141 and based upon the representations contained in Plaintiff’s notice and request, IT IS HEREBY ORDERED that the report of Dr. B.J. Freeman of the IEE of Plaintiff shall be SEALED until further order of this Court.” (at 2)

FACTUAL BACKGROUND

The document Plaintiff sought to seal was Dr. B.J. Freeman's report of an independent educational evaluation of E.P., a minor. Plaintiff represented that the report contained highly sensitive and confidential educational and medical information protected by federal and California privacy and education laws. The Court found that sealing served compelling interests, that those interests would be harmed absent sealing, and that no adequate alternative to sealing existed.

PROCEDURAL HISTORY

While the federal civil-rights action was pending, Plaintiff filed a request to seal Dr. B.J. Freeman's report of an independent educational evaluation. The district court granted the request and ordered the report sealed until further order, subject to Plaintiff's submission of the order, request, and document to the Clerk's Operations Section within five days.

DISPOSITION

other

CASES CITED

- Oregonian Publ’g Co. v. U.S. Dist. Court for Dist. of Or., 920 F.2d 1462

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 E.P., a minor, by and through his guardian ad Case No. 1:23-cv-01724-CDB litem Michel Hernandez-Disla, 12 ORDER GRANTING PLAINTIFF’S Plaintiff, REQUEST TO SEAL DOCUMENT 13 v. (Doc. 62) 14 TEHACHAPI UNIFIED SCHOOL FIVE-DAY

DEADLINE 15 DISTRICT, et al., 16 Defendants. 17 18 Pending before the Court is the request of Plaintiff E.P. to seal documents (Doc.

62), filed 19 on February 6, 2025, and mailed to the undersigned's chambers. Plaintiff represents that the 20 document to be sealed (Dr. B.J. Freeman's report of an independent educational evaluation 21 ("IEE") of Plaintiff) contains highly sensitive and confidential educational and medical 22 information concerning Plaintiff, a minor child that is protected from disclosure under the Family 23 Education and Privacy Rights Act ("FERPA"), 20 U.S.C. § 1232g and 34 C.F.R. §§ 99.30–.39, 24 the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1417(c) and 34 C.F.R. §§ 25 300.610-.627, and California Education Code §§ 49060 et seq.

(Doc. 62 at 1-2). Plaintiff 26 therefore seeks to file the report under seal. (Id.). 27 The Court has considered the factors set forth in *Oregonian Publ'g Co. v. U.S. Dist. Court for Dist. of Or.*, 920 F.2d 1462 (9th Cir. 1990).

The Court finds that, for the reasons stated in 1 | Plaintiff's notice and request, sealing the document serves a compelling interest. The Court 2 | further finds that, in the absence of closure, the compelling interests identified by Plaintiff would 3 | be harmed.

The Court further finds that there are no additional alternatives to sealing the 4 | document that would adequately protect the compelling interests identified by Plaintiff. 5 Conclusion and Order 6 Accordingly, pursuant to Local Rule 141 and based upon the representations contained in 7 | Plaintiff's notice and request, IT IS HEREBY ORDERED that the report of Dr. B.J.

Freeman of 8 | the IEE of Plaintiff shall be SEALED until further order of this Court. 9 It is FURTHER ORDERED within five (5) days of issuance of this Order, Plaintiff shall 10 | submit a copy of this Order and the "Request to Seal Document" and document to be sealed by 11 | email to the Operations Section of the Clerk of the Court: ApprovedSealed @ caed.uscourts.gov.

12 IT IS SO ORDERED. 'S) Dated: _Mareh 17, 2025 | br 14 UNITED STATES MAGISTRATE JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28