

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.

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
item 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