

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

Bernstein v. Banco Popular North America

Bernstein · No. 25-cv-02204-BLF · Decided June 6, 2025

SUMMARY

The United States District Court for the Northern District of California grants Plaintiffs’ administrative motion to file exhibits under seal in connection with a motion to extend deadlines. The Court finds that the exhibits contain confidential health information and that sealing is narrowly tailored and supported by compelling reasons.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Beth Labson Freeman                                                                                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                             |
| DECIDED               | June 6, 2025                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 25-cv-02204-BLF                                                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiffs filed an administrative motion to file exhibits under seal in connection with their motion to extend deadlines. The district court considered the sealing request and granted it.                                                                                                                                                                                     |
| STANDARD OF REVIEW    | The court applied the Ninth Circuit standards governing sealing of judicial records: compelling reasons for materials more than tangentially related to the merits, and good cause for materials only tangentially related to the merits. It also required compliance with Civil Local Rule 79-5, including narrow tailoring and consideration of less restrictive alternatives. |
| PRECEDENTIAL VALUE    | Unpublished district court order; limited persuasive value.                                                                                                                                                                                                                                                                                                                      |

TOPICS

- medical records privacy
- health law
- civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. What standard governs plaintiffs' request to seal exhibits filed in connection with a motion concerning pretrial deadlines?
2. Whether plaintiffs established sufficient grounds under Ninth Circuit sealing law and Civil Local Rule 79-5 to keep the exhibits under seal.

## HOLDINGS

1. Because the motion to seal concerned a motion for relief from a pretrial schedule and was only tangentially related to the merits, the court applied the good-cause standard.
2. Plaintiffs established sufficient grounds to seal the exhibits because disclosure would reveal confidential health information, and the requested sealing was narrowly tailored with no less restrictive alternative adequate to protect the information.

## KEY QUOTATIONS

*"Filings that are only tangentially related to the merits may be sealed upon a lesser showing of "good cause.""* (at 1)

*"The Court finds that Plaintiffs have established compelling reasons to seal information that would reveal confidential information about their health."* (at 2)

*"Additionally, the Court finds Plaintiffs' sealing requests to be narrowly tailored so that there is no less restrictive alternative to redacting the information at issue."* (at 2)

## FACTUAL BACKGROUND

Plaintiffs sought to seal exhibits submitted in connection with a motion to extend deadlines. The materials concerned confidential health information that plaintiffs had designated as confidential. Defendants did not oppose the sealing motion, and the court found that the requested redactions were narrowly tailored and that no less restrictive alternative was adequate.

## PROCEDURAL HISTORY

Plaintiffs sought to seal exhibits filed with a motion concerning an extension of pretrial deadlines. Defendants did not respond. The court reviewed the submissions and applicable sealing law and ordered the exhibits to remain under seal.

## DISPOSITION

other

## CASES CITED

- *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)
- *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)
- *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097, 1101–02 (9th Cir. 2016)
- *Malig as Tr. for Malig Fam. Tr. v. Lyft, Inc.*, No. 19-CV-02690, 2022 WL 1143360, at \*1 (N.D. Cal. Mar. 31, 2022)
- *California Spine & Neurosurgery Inst. v. United Healthcare Ins. Co.*, No. 19-CV-02417-LHK, 2021 WL 1146216, at \*3 (N.D. Cal. Feb. 12, 2021)

## OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 NORTHERN DISTRICT OF CALIFORNIA 5  
 SAN JOSE DIVISION 6 7 JOHN L. BERNSTEIN, et al., Case No. 25-cv-02204-BLF 8 Plaintiffs,  
 ORDER GRANTING PLAINTIFFS' 9 v. ADMINISTRATIVE MOTION TO FILE UNDER  
 SEAL 10 BANCO POPULAR NORTH AMERICA, et al., [Re: ECF No. 65] 11 Defendants. 12 13  
 Before the Court is Plaintiffs' Administrative Motion to File Under Seal filed in connection 14  
 with their motion to extend deadlines.

ECF 65. Defendants did not submit any response to Plaintiff's 15 motions. Having reviewed  
 Plaintiffs' submissions and applicable sealing law, the Court GRANTS 16 Plaintiff's requests to  
 seal. 17 I. LEGAL STANDARD 18 "Historically, courts have recognized a 'general right to  
 inspect and copy public records and 19 documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of Honolulu*, 20 447 F.3d 1172, 1178 (9th Cir.

2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 21 & n.7 (1978)).  
 Consequently, access to motions and their attachments that are "more than 22 tangentially related  
 to the merits of a case" may be sealed only upon a showing of "compelling 23 reasons" for  
 sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 24 2016).

Filings that are only tangentially related to the merits may be sealed upon a lesser showing 25 of  
 "good cause." *Id.* at 1097. In addition, in this district, all parties requesting sealing must comply  
 26 with Civil Local Rule 79-5. That rule requires, inter alia, the moving party to provide "the  
 reasons 27 for keeping a document under seal, including an explanation of: (i) the legitimate  
 private or public 1 restrictive alternative to sealing is not sufficient." Civ.

L.R. 79-5(c)(1). Further, Civil Local Rule 2 79-5 requires the moving party to provide "evidentiary  
 support from declarations where necessary." 3 Civ. L.R. 79- 5(c)(2). And the proposed order must  
 be "narrowly tailored to seal only the sealable 4 material." Civ. L.R. 79-5(c)(3). 5 Further, when a  
 party seeks to seal a document because it has been designated as confidential 6 by another party,  
 the filing party must file an Administrative Motion to Consider Whether Another 7 Party's  
 Material Should be Sealed.

Civ. L.R. 79-5(f). In that case, the filing party need not satisfy 8 the requirements of subsection (c) (1). Civ. L.R. 79-5(f)(1). Instead, the party who designated the 9 material as confidential must, within seven days of the motion's filing, file a statement and/or 10 declaration that meets the requirements of subsection (c)(1). Civ. L.R. 79-5(f)(3). A designating 11 party's failure to file a statement or declaration may result in the unsealing of the provisionally 12 sealed document without further notice to the designating party.

Id. Any party can file a response to 13 that declaration within four days. Civ. L.R. 79-5(f)(4). 14 II. DISCUSSION 15 Because the motion to seal pertains to a motion for relief from a pretrial schedule, the Court 16 will apply the "good cause" standard. See *Malig as Tr. for Malig Fam. Tr. v. Lyft, Inc.*, No. 19-CV- 17 02690, 2022 WL 1143360, at \*1 (N.D. Cal. Mar.

31, 2022). 18 The material under consideration for sealing concerns health information that Plaintiffs have 19 deemed confidential. See ECF 65. The Court finds that Plaintiffs have established compelling 20 reasons to seal information that would reveal confidential information about their health. See 21 *California Spine & Neurosurgery Inst. v. United Healthcare Ins.*

Co., No. 19-CV-02417-LHK, 2021 22 WL 1146216, at \*3 (N.D. Cal. Feb. 12, 2021) (finding compelling reasons to seal personal health 23 information of patients). Additionally, the Court finds Plaintiffs' sealing requests to be narrowly 24 tailored so that there is no less restrictive alternative to redacting the information at issue. 25 Accordingly, the Court GRANTS Plaintiff's requests to file under seal the exhibits at ECF 26 65.

27 // I. ORDER For the foregoing reasons, the Court ORDERS the exhibits filed at ECF 65 to remain under 2 seal. 3 4 Dated: June 6, 2025 6 ETH LABSON FREEMAN 5 United States District Judge 8 9 10 11 a 12 © 15 16 it Z 18 19 20 21 22 23 24 25 26 27 28