

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Paul Kitaj, et al. v. Tammy Van Handel, et al.

Kitaj · No. CV-22-00463-TUC-JCH · Decided January 9, 2026

SUMMARY

The United States District Court for the District of Arizona grants defendants’ motions to exceed the page limitation for their summary judgment motion and statement of facts and to physically file non-electronic exhibits. The court grants in part and denies in part the motion to seal, ordering certain juvenile court and Department of Child Safety records sealed while requiring redactions to other exhibits. The order also accepts the motion for summary judgment and statement of facts as filed and requires the parties to confer and file stipulated redacted copies of specified exhibits.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	John C. Hinderaker
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 9, 2026
DOCKET	CV-22-00463-TUC-JCH
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving defendants' motion to exceed the page limitation for their motion for summary judgment and statement of facts, motion to file exhibits under seal, and motion to allow physical filing of non-electronic exhibits in a pending civil rights action.
STANDARD OF REVIEW	Motions to seal exhibits attached to a dispositive motion are evaluated under the compelling-reasons standard, requiring the court to articulate a factual basis and balance the public's interest in access against the interests supporting secrecy.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- summary judgment
- public records

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendants established compelling reasons to seal juvenile dependency and Department of Child Safety records attached to a motion for summary judgment.
2. Whether documents primarily concerning plaintiffs should be sealed in their entirety or instead filed with redactions protecting third-party identifying information.
3. Whether defendants should be permitted to exceed the page limitation for their summary-judgment motion and statement of facts and to file non-electronic exhibits physically.

HOLDINGS

1. A party seeking to seal materials attached to a dispositive motion must satisfy the compelling-reasons standard, even when the materials were previously subject to a protective order or filed under seal.
2. The court granted the motion to seal juvenile dependency records and Department of Child Safety records that primarily concerned minors and other persons subject to child-protective investigations because Arizona confidentiality laws and the sensitive identifying information contained in the records supplied compelling reasons for sealing.
3. The court denied sealing for exhibits primarily concerning plaintiffs because plaintiffs had waived their own confidentiality, but ordered the parties to file stipulated redacted copies protecting identifying information of minors and other persons subject to DCS investigations.

KEY QUOTATIONS

“Under this stringent standard, a court may seal records only when it finds a compelling reason and articulates the factual basis for its ruling, without relying on hypothesis or conjecture. The court must then conscientiously balance the competing interests of the public and the party who seeks to keep certain judicial records secret.” (2-3)

“Thus, there is compelling reason to seal DCS records where redactions are insufficient to protect the confidentiality of DCS information concerning persons other than Plaintiffs.” (5)

FACTUAL BACKGROUND

The exhibits defendants sought to file with their summary-judgment motion included juvenile dependency proceeding records and Department of Child Safety records containing identifying and sensitive information concerning minors, their mother, maternal grandmother, and other persons involved in child-protective investigations. Some exhibits primarily concerned plaintiffs, who had waived their own confidentiality, while other exhibits contained information about third parties whose confidentiality remained protected under Arizona law. Defendants also sought to file video recordings and other non-electronic exhibits physically.

PROCEDURAL HISTORY

Plaintiffs brought a federal civil rights action against defendants. While defendants' motion for summary judgment was pending, defendants sought additional pages, permission to file exhibits under seal, and permission to file video recordings and other non-electronic exhibits physically. Plaintiffs opposed the sealing motion. The court granted the page-limit and physical-filing motions and granted the sealing motion in part while requiring redactions for other materials.

DISPOSITION

other

CASES CITED

- Nixon v. Warner Communications, Inc., 435 U.S. 589, 597, 599 (1978)
- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096-98 (9th Cir. 2016)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135-36 (9th Cir. 2003)
- Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1178-79, 1183 (9th Cir. 2006)
- Demaree v. Pederson, 887 F.3d 870, 885 (9th Cir. 2018)
- Ingram v. Mouser, No. 1:19-CV-00308-DCN, 2023 WL 5017011, at *2 (D. Idaho Aug. 7, 2023)
- Tower v. Leslie-Brown, 167 F. Supp. 2d 399, 405 (D. Me. 2001)
- T.T. v. County of San Diego, 2020 WL 6118781, at *1 (S.D. Cal. Oct. 16, 2020)
- Crockford v. Clark County Department of Family Services, No. 2:25-CV-00917-JAD-MDC, 2025 WL 3251427, at *5 (D. Nev. Nov. 21, 2025)
- Olivares v. County of Stanislaus, No. 2:22-CV-00753-DC-CSK, 2025 WL 3130873, at *2 (E.D. Cal. Nov. 7, 2025)
- Meyer v. County of San Diego, No. 3:21-CV-00341-LL-BLM, 2022 WL 395967, at *8 (S.D. Cal. Feb. 8, 2022)
- Miles v. City of Hartford, No. 3:08 CV 307 (MRK), 2009 WL 10717573, at *1 (D. Conn. June 17, 2009)
- Fratello v. Wilde, No. 2:25-CV-01606-APG-EJY, 2025 WL 3707565, at *6 (D. Nev. Dec. 19, 2025)

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