UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Imber v. Lackey

Imber · No. 1:22-cv-00004-HBK · Decided June 24, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiff's unopposed request to seal a 2023 Valuation Report and portions of a reply brief concerning a motion for preliminary approval of a class action settlement. The court found compelling interests supporting sealing and ordered Plaintiff to provide the documents to the Clerk for filing under seal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 24, 2025
DOCKET	1:22-cv-00004-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to seal a 2023 Valuation Report and portions of his reply brief concerning his motion for preliminary approval of a class-action settlement. The request was unopposed.
STANDARD OF REVIEW	The court applied the Ninth Circuit standard requiring compelling reasons to seal judicial records and consideration of whether sealing is necessary to protect those interests when less restrictive alternatives are inadequate.
PRECEDENTIAL VALUE	Unknown
PARTIES	Brandon Imber v. Bruce Lackey, Pam Lackey, Lackey Family Trust, Cole Scharton, The Administrative Committee of the People Business Employee Stock Ownership Plan, Miguel Paredes, Rich Roush, Del Thacker, Richard Deyoung, Ritchie Trucking Service Holdings, Inc.

TOPICS

civil procedure · class actions · commercial litigation

PRACTICE AREAS

civil procedure · class actions · commercial litigation

QUESTIONS PRESENTED

1. Whether the court should seal the 2023 Valuation Report and portions of Plaintiff's reply brief because compelling interests would be harmed absent sealing and no adequate alternative existed.

HOLDINGS

1. The court held that the 2023 Valuation Report and specified portions of Plaintiff's reply brief should be filed under seal because Plaintiff identified compelling interests that would be harmed without sealing and no adequate alternative to sealing existed.

KEY QUOTATIONS

> *"The Court finds that, for the reasons stated in the Plaintiff's request, sealing the 2023 Valuation Report and portions of the reply brief serves a compelling interest."* (at 1)

> *"The Court further finds that, in the absence of closure, the compelling interests identified by Plaintiff would be harmed."* (at 1)

FACTUAL BACKGROUND

Plaintiff sought to seal a 2023 Valuation Report and portions of a reply brief filed in connection with a motion for preliminary approval of a class-action settlement. Plaintiff asserted that confidentiality was necessary to prevent third parties from using the information to obstruct the settlement or obtain higher payouts. Defendants did not oppose the request.

PROCEDURAL HISTORY

On June 16, 2025, Plaintiff filed a request to seal the specified valuation report and portions of his reply brief. Defendants did not oppose the request under Local Rule 141(c). The district court granted the request and directed Plaintiff to provide the documents electronically to the Clerk for filing under seal.

DISPOSITION

other

CASES CITED

- Oregonian Publishing Co. v. U.S. District Court for the District of Oregon, 920 F.2d 1462 (9th Cir. 1990)
- Hefler v. Wells Fargo & Co., 2018 WL 4207245 (N.D. Cal. Sept. 4, 2018)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BRANDON IMBER, individually and on Case No. 1:22-cv-00004-HBK

behalf of all other similarly situated, ORDER GRANTING REQUEST TO SEAL Plaintiff, (Doc. No. 162) v. BRUCE LACKEY, PAM LACKEY, LACKEY FAMILY TRUST, COLE SCHARTON, THE ADMINISTRATIVE COMMITTEE OF THE PEOPLE BUSINESS EMPLOYEE STOCK OWNERSHIP PLAN, MIGUEL PAREDES, RICH ROUSH, DEL THACKER, RICHARD DEYOUNG, AND RITCHIE TRUCKING SERVICE HOLDINGS, INC., Defendants.

On June 16, 2025, Plaintiff filed a request to seal a 2023 Valuation Report and portions of Plaintiff’s reply brief regarding his Motion for Preliminary Approval of Class Action Settlement (Doc. No. 158). (Doc. No. 162). Defendants did not submit an opposition under Local Rule 141(c). The Court has considered the factors set forth in Oregonian Publishing Co. v. U.S. District Court for the District of Oregon, 920 F.2d 1462 (9th Cir.

1990). The Court finds that, for the reasons stated in the Plaintiff’s request, sealing the 2023 Valuation Report and portions of the reply brief serves a compelling interest. See, e.g., Hefler v. Wells Fargo & Co., 2018 WL 4207245 (N.D. Cal. Sept. 4, 2018) (collecting cases) (“There are compelling reasons to keep this information confidential in order to prevent third parties from utilizing it for the improper purpose of obstructing the settlement and obtaining higher payouts.”).

The Court further finds that, in the absence of closure, the compelling interests identified by Plaintiff would be harmed. In light of the public filing of its Notice to Seal, the Court further finds that there are no additional alternatives to sealing the 2023 Valuation Report and portions of the reply brief that would adequately protect the compelling interests identified by the Plaintiff.

Accordingly, it is ORDERED: 1. Plaintiff's unopposed request to seal documents (Doc. No. 162) is GRANTED. 2. Within five (5) days of this Order, Plaintiff shall provide an electronic copy of the document to be sealed to the Clerk of Court by email to: ApprovedSealed @caed.uscourts.gov, at which time the Clerk of Court will file the documents under seal.

See Local Rule 141(e)(2)q). ' | Dated: _ June 24, 2025 Mihaw. Wh. foareh Zaskth HELENA M. BARCH-KUCHTA UNITED STATES MAGISTRATE JUDGE