

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Francine Simon v. Brookshire Grocery Co.

Simon · No. 6:24-CV-01591 · Decided February 2, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied Brookshire Grocery Co.’s motion to file under seal surveillance-video still images attached to its motion for summary judgment. The court held that a stipulated confidentiality agreement and protective order did not overcome the strong presumption of public access to judicial records, and that the defendant had not shown specific, compelling reasons for sealing the exhibit.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	Carol B. Whitehurst
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	February 2, 2026
DOCKET	6:24-CV-01591
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for leave to file under seal a store surveillance video submitted as an exhibit to its pending motion for summary judgment. The motion was referred to the magistrate judge for determination.
STANDARD OF REVIEW	Strict, document-by-document and line-by-line balancing of the public's common-law right of access to judicial records against the interests favoring nondisclosure.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- discovery dispute
- evidence
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendant showed specific and compelling reasons sufficient to overcome the strong presumption of public access to a surveillance video filed as an exhibit to a motion for summary judgment.
2. Whether a stipulated confidentiality agreement and protective order governing discovery materials justified sealing the surveillance video after related materials had been filed in the court record.

HOLDINGS

1. The motion to seal was denied because Defendant failed to articulate specific, compelling reasons sufficient to overcome the strong presumption of public access to judicial records.

KEY QUOTATIONS

“Sealing judicial records and blocking public access require a “stricter balancing test.”” (at 1)

“Under both standards, the working presumption is that judicial records should not be sealed.” (at 1)

“But at the adjudicative stage, when materials enter the court record, the standard for shielding records from public view is far more arduous.” (at 1)

“Accordingly, because Defendant has failed to articulate specific, compelling reasons sufficient to overcome the strong presumption of public access to judicial records, IT IS ORDERED that Defendant’s Motion for Leave to File Exhibit Under Seal (Rec. Doc. 32) is DENIED.” (at 1)

FACTUAL BACKGROUND

The dispute involved surveillance video from an alleged slip-and-fall incident at a Brookshire Grocery Co. store. Defendant asserted that the video contained confidential information about store camera placement and argued that disclosure could create risks involving criminal activity and store incidents. Defendant nevertheless attached ten still images from the video to its summary-judgment motion, thereby publicly disseminating the camera-placement information it sought to protect.

PROCEDURAL HISTORY

Before removal, the parties entered into a stipulated confidentiality agreement and protective order in the Fifteenth Judicial District Court. After removal, Defendant produced surveillance video to Plaintiff under that order and attached ten still images from the video to its motion for summary judgment. Defendant then moved to seal the video exhibit, but the court denied the motion.

DISPOSITION

other

CASES CITED

- June Med. Servs., L.L.C. v. Phillips, 22 F.4th 512, 521 (5th Cir. 2022)
- Binh Hoa Le v. Exeter Fin. Corp., 990 F.3d 410, 420 (5th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION FRANCINE SIMON CASE NO. 6:24-CV-01591 VERSUS JUDGE ROBERT R. SUMMERHAYS BROOKSHIRE GROCERY CO MAGISTRATE JUDGE CAROL B. WHITEHURST MEMORANDUM ORDER Before the Court is Defendant's Motion for Leave to File Exhibit Under Seal (Rec. Doc. 32), filed in conjunction with their Motion for Summary Judgment (Rec.

Doc. 29). The motion was referred to the undersigned for a determination of whether the exhibit should be filed under seal, after consideration of the public's right of access and the parties' interests in confidentiality. Prior to removal, the 15th Judicial District Court signed the parties' Stipulated Confidentiality Agreement and Protective Order governing documents which the parties identify as "Confidential." (Rec.

Doc. 1-1, pp. 14-17). The protective order specifically applies to "documents, information, and materials" produced by Defendant in response to discovery requests and requires that those items be deemed confidential with access only available to the parties, their counsel, and those persons assisting them in the case. (Id.).

The Fifth Circuit requires a strict balancing of the public's and litigants' interests before allowing documents to be sealed: Sealing judicial records and blocking public access require a "stricter balancing test." To decide whether something should be sealed, the court must undertake a "document-by-document,' 'line-by-line' balancing of 'the public's common law right of access against the interests favoring nondisclosure.'" "Under both standards, the working presumption is that judicial records should not be sealed." "[C]ourts should be ungenerous with their discretion to seal judicial records...." And, to the extent that any sealing is necessary, it must be "congruent to the need." June Med.

Servs., L.L.C. v. Phillips, 22 F.4th 512, 521 (5th Cir. 2022)(internal citations omitted) Further, At the discovery stage, when parties are exchanging information, a stipulated protective order under Rule 26(c) may well be proper. Party- agreed secrecy has its place—for example, honoring legitimate privacy interests and facilitating the efficient exchange of information.

But at the adjudicative stage, when materials enter the court record, the standard for shielding records from public view is far more arduous. This conflation error—equating the standard for keeping unfiled discovery confidential with the standard for placing filed materials under seal—is a common one and one that over-privileges secrecy and devalues transparency.

Binh Hoa Le v. Exeter Fin. Corp., 990 F.3d 410, 420 (5th Cir. 2021)(emphasis in original)(internal footnote omitted). Defendant moves to seal the store surveillance video from the alleged slip and fall incident attached as Exhibit 2-A to their Motion for Summary Judgment. Defendant contends that this video surveillance contains confidential information concerning Defendant, namely camera placement that should not be subject to public disclosure because “[p]ublic disclosure of this information could harm [Defendant] in terms of issues with both criminal activity in stores but also with regard to incidents and accidents at its store.” (Rec.

Doc. 32-2, p. 1). To that end, Defendant produced the video surveillance to Plaintiff subject to the Stipulated Confidentiality Agreement and Protective Order. (/d.). Despite this rationale, Defendant attached ten still pictures from the surveillance video as an exhibit to their Motion for Summary Judgment. (Rec. Doc. 29-5).

As these pictures are screenshots from the surveillance video of the incident (see Rec. Docs. 29, pg. 1 & 29-5), they disseminate the very information Defendant is seeking to protect, i.e. camera placement. Defendant articulates no other bases to seal this information.

Accordingly, because Defendant has failed to articulate specific, compelling reasons sufficient to overcome the strong presumption of public access to judicial records, IT IS ORDERED that Defendant’s Motion for Leave to File Exhibit Under Seal (Rec. Doc. 32) is DENIED. Signed at Lafayette, Louisiana on this 2nd day of February, 2026. Whur CAROLB.WHITEHURST ———™
UNITED STATES MAGISTRATE JUDGE