

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Andruhovics v. San Francisco Sheriff's Office

No. 22-cv-01178-HSG (N.D. Cal. Mar. 13, 2023) · No. 22-cv-01178-HSG · Decided March 13, 2023

SUMMARY

The United States District Court for the Northern District of California rules on several administrative motions to seal documents in *Andruhovics v. San Francisco Sheriff's Office*. The court denies the motion at Docket No. 33 because the designating party failed to establish that the material was sealable, but grants the remaining motions because they concern confidential medical records and sensitive personal information unrelated to the public's understanding of the proceedings. The court orders the parties to file public versions of documents for which sealing was denied.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 13, 2023
DOCKET	22-cv-01178-HSG
DISPOSITION	other
PROCEDURAL POSTURE	The court considered several administrative motions to file documents under seal in connection with a federal civil action, including documents related to a motion to dismiss, a motion for relief from a California government claim requirement, and a motion for leave to file an amended complaint.
STANDARD OF REVIEW	Motions to seal judicial records attached to dispositive motions are evaluated under the compelling-reasons standard, while materials attached to nondispositive motions are evaluated under the good-cause standard.
PRECEDENTIAL VALUE	unpublished
PARTIES	Maksims Andruhovics v. San Francisco Sheriff's Office, et al.

TOPICS

civil procedure

medical records privacy

health law

motions to dismiss

PRACTICE AREAS

civil procedure

health law

medical records privacy

QUESTIONS PRESENTED

1. What standard governs motions to seal documents attached to dispositive and nondispositive motions?
2. Whether the documents containing medical records and sensitive personal information qualified for sealing.
3. Whether the motion to seal at Docket Number 33 complied with Civil Local Rule 79-5(f)(3).

HOLDINGS

1. Documents attached to dispositive motions may be sealed only upon a showing of compelling reasons supported by specific factual findings that outweigh the strong presumption of public access; documents attached to nondispositive motions are subject to the lower good-cause standard.
2. Documents containing confidential medical records and interwoven sensitive personal information may be filed under seal when the information is unrelated to the public's understanding of the judicial proceedings and the sealing request satisfies the applicable compelling-reasons or good-cause standard.
3. A motion to seal another party's designated material may be denied when the designating party fails to file the required declaration and response within the time prescribed by Civil Local Rule 79-5(f)(3).

KEY QUOTATIONS

“Courts generally apply a “compelling reasons” standard when considering motions to seal documents.” (1)

“To overcome this strong presumption, the party seeking to seal a judicial record attached to a dispositive motion must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process”” (1)

“Records attached to nondispositive motions must meet the lower “good cause” standard of Rule 26(c) of the Federal Rules of Civil Procedure” (2)

FACTUAL BACKGROUND

The parties sought to seal documents containing medical records, detailed descriptions of medical conditions, and other highly personal information. The court had not relied on the documents subject to the sealing motions, and the documents were therefore unrelated to the public's understanding of the proceedings. One motion sought to seal an opposing counsel's email based only on a confidentiality statement, but the designating party failed to submit the required declaration.

PROCEDURAL HISTORY

The parties filed administrative motions to seal documents. The court denied the motion at Docket Number 33 because the designating party failed to file the required declaration and response under Civil Local Rule 79-5(f) (3). The court granted the remaining motions because the documents contained sensitive medical and personal information and were not relied upon by the court; the court directed public versions of the documents covered by the denial to be filed within seven days.

DISPOSITION

other

CASES CITED

- Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. 2010)
- Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006)
- Nixon v. Warner Communications, Inc., 435 U.S. 589, 598 (1978)
- Phillips ex rel. Estates of Byrd v. General Motors Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002)
- Beckman Industries, Inc. v. International Insurance Co., 966 F.2d 470, 476 (9th Cir. 1992)
- In re iPhone Application Litigation, No. 11-MD-02250-LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013)
- San Ramon Regional Medical Center, Inc. v. Principal Life Insurance Co., No. 10-cv-02258-SBA, 2011 WL 89931, at *1 n.1 (N.D. Cal. Jan. 10, 2011)
- Economus v. City & County of San Francisco, No. 18-CV-01071-HSG, 2019 WL 1483804, at *9 (N.D. Cal. Apr. 3, 2019)
- Doe v. City of San Diego, No. 12-CV-689-MMA-DHB, 2014 WL 1921742, at *4 (S.D. Cal. May 14, 2014)

OPINION

Andruhovics v. San Francisco Sheriff's Office

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 MAKSIMS ANDRUHOVICS, Case No. 22-cv-01178-HSG 8 Plaintiff, ORDER GRANTING
AND DENYING

MOTIONS TO SEAL

9 v. Re: Dkt. Nos. 9, 31, 33, 40, 43

10 SAN FRANCISCO SHERIFF'S OFFICE, et

al., 11 Defendants. 12 13 Before the court are several administrative motions to file documents
under seal. Dkt.

14 Nos. 9, 31, 33, 40, 43. The Court DENIES the motion at Dkt. No. 33 and GRANTS the

15 remaining motions.

16 I. LEGAL STANDARD

17 Courts generally apply a “compelling reasons” standard when considering motions to seal 18 documents. *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana* 19 v. City & Cty. of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)). “This standard derives from the 20 common law right ‘to inspect and copy public records and documents, including judicial records 21 and documents.’” *Id.* (quoting *Kamakana*, 447 F.3d at 1178). “[A] strong presumption in favor of 22 access is the starting point.” *Kamakana*, 447 F.3d at 1178 (quotations omitted). To overcome this 23 strong presumption, the party seeking to seal a judicial record attached to a dispositive motion 24 must “articulate compelling reasons supported by specific factual findings that outweigh the 25 general history of access and the public policies favoring disclosure, such as the public interest in 26 understanding the judicial process” and “significant public events.” *Id.* at 1178–79 (quotations 27 omitted). “In general, ‘compelling reasons’ sufficient to outweigh the public’s interest in 1 vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public 2 scandal, circulate libelous statements, or release trade secrets.” *Id.* at 1179 (quoting *Nixon v. 3 Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). “The mere fact that the production of records 4 may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not, 5 without more, compel the court to seal its records.” *Id.* 6 The Court must “balance[] the competing interests of the public and the party who seeks to 7 keep certain judicial records secret. After considering these interests, if the court decides to seal 8 certain judicial records, it must base its decision on a compelling reason and articulate the factual 9 basis for its ruling, without relying on hypothesis or conjecture.” *Id.* Civil Local Rule 79-5 10 supplements the compelling reasons standard set forth in *Kamakana*: the party seeking to file a 11 document or portions of it under seal must explain “(i) the legitimate private or public interests 12 that warrant sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less 13 restrictive alternative to sealing is not sufficient.” Civil L.R. 79-5(c)(1). The request must be 14 “narrowly tailored to seal only the sealable material.” *Id.* at 79-5(c)(3). 15 Records attached to nondispositive motions must meet the lower “good cause” standard of 16 Rule 26(c) of the Federal Rules of Civil Procedure, as such records “are often unrelated, or only 17 tangentially related, to the underlying cause of action.” See *Kamakana*, 447 F.3d at 1179–80 18 (quotations omitted). This requires a “particularized showing” that “specific prejudice or harm 19 will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 20 307 F.3d 1206, 1210–11 (9th Cir. 2002); see also Fed. R. Civ. P. 26(c). “Broad allegations of 21 harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman 22 Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992) (quotation omitted).

23 II. DISCUSSION

24 The parties seek to seal documents related to (1) Defendant’s motion to dismiss, Dkt. No. 25 9; (2) briefing on Plaintiff’s motion for relief from a California government claim requirement, 26 Dkt. Nos. 31, 40, 43, and (3) Plaintiff’s motion for leave to file a first amended complaint, Dkt.

27 No. 33.

1 To start, Docket Number 33 is Plaintiff's motion to consider whether another party's 2 material should be sealed. Plaintiff seeks to seal an email from Defendant's counsel because the 3 email includes a confidentiality statement. Defendant did not file a declaration establishing that 4 the document is sealable within seven days of Plaintiff's motion as required under Civil Local 5 Rule 79-5(f)(3). Because the motion to seal does not comply with Civil Local Rule 79-5 in light 6 of the designating party's failure to respond, the Court finds no basis to seal the requested 7 document.¹ 8 The rest of the motions to seal regard documents that contain medical records, detailed 9 descriptions of medical conditions, and other highly personal information. First, the Court did not 10 rely on any of the documents that are the subject of the administrative motions to seal.² Thus, 11 these documents are unrelated to the public's understanding of the judicial proceedings in this 12 case, and the public's interest in disclosure of these documents is minimal. See *In re iPhone* 13 Application Litig., No. 11-MD-02250-LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013) 14 ("The public's interest in accessing these documents is even further diminished in light of the fact 15 that the Court will not have occasion to rule on Plaintiffs' Motion for Class Certification."). 16 Second, the Court also agrees that health records properly meet the compelling reasons standard. 17 See *San Ramon Reg'l Med. Ctr., Inc. v. Principal Life Ins. Co.*, No. 10-cv-02258-SBA, 2011 WL 18 89931, at *1 n.1 (N.D. Cal. Jan. 10, 2011) (finding that confidentiality of medical records under 19 the Health Insurance Portability and Accountability Act of 1996 outweighed Kamakana 20 presumption in favor of public access to court records). Although not every single portion of the 21 documents are strictly medical, the non-medical portions include personal information and are 22 interwoven such that all of the requested material warrants sealing. 23 1 The Court notes that some of Defendant's motions are also motions to consider whether another 24 party's material should be sealed that would require a response from Plaintiff under Civil Local Rule 79-5(f)(3). However, because of Plaintiff's pro se status, the fact that he has expressed clear 25 intent to seal his medical records in his own filings, and the highly sensitive nature of the remaining material, the Court will not deny the other motions on this basis. 26 2 The Court granted Plaintiff's motion for leave based purely on Defendant's non-opposition, and 27 Plaintiff filed an amended complaint that would have rendered the motion to dismiss moot. See 1 Accordingly, because the documents divulge confidential and sensitive medical 2 || information unrelated to the public's understanding of the judicial proceedings in this case, the 3 Court finds that the parties have established either compelling reasons or good cause to file the 4 documents under seal. See *Economus v. City & Cty. of San Francisco*, No. 18-CV-01071-HSG, 5 2019 WL 1483804, at *9 (N.D. Cal. Apr. 3, 2019) (finding compelling reason to seal because the 6 sealing request divulges sensitive information no longer related to the case); *In re iPhone*, 2013 7 WL 12335013 (same); *Doe v. City of San Diego*, No. 12-CV-689-MMA-DHB, 2014 WL 8 1921742, at *4 (S.D. Cal. May 14, 2014) (exhibit's disclosure of personal information and 9 irrelevance to the matter are compelling reasons to seal the exhibit).

10 || I. CONCLUSION

11 The Court DENIES Dkt. No. 33. The Court GRANTS Dkt. Nos. 9, 31, 40, 43. 12 || Documents
filed under seal as to which the administrative motions are granted will remain under 5 13 seal.
See Civ. L.R. 79-5(g)(1). The Court DIRECTS the parties to file public versions of all 14 ||
documents for which the proposed sealing has been denied within seven days from the date of this
3 15 order. a 16 IT IS SO ORDERED. 17 || Date: 3/13/2023 Alaipurel 3 Add □□□ HAYWOOD S.
GILLIAM, JR. 19 United States District Judge 20 21 22 23 24 25 26 27 28