

**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

OPINION

Andruhovics v. San Francisco Sheriff's Office

PER CURIAM.

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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