

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SACRAMENTO  
GORDON D SCHABER COURTHOUSE**

**MINUTE ORDER**

DATE: 01/24/2011

TIME: 02:00:00 PM

DEPT: 53

JUDICIAL OFFICER PRESIDING: David Brown

CLERK: E. Brown

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **06AS00839**

CASE INIT.DATE: 03/02/2006

CASE TITLE: **Glenn Hagele vs. Brent Hanson**

CASE CATEGORY: Civil - Unlimited

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**EVENT TYPE:** Application for Order Sealing Record - Civil Law and Motion

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**APPEARANCES**

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**Nature of Proceeding: Motion for Order Sealing Record**

**TENTATIVE RULING**

Plaintiff's motion to seal documents attached to his declaration filed in opposition to defendant Bruch's motion for attorney fees is denied. No defendant has filed an opposition. "Unless confidentiality is required by law, court records are presumed to be open." CRC rule 2.550(c). The declaration and exhibits submitted by plaintiff are "presumed to be open."

A strong presumption exists in favor of public access to trials and court records. *Burkle v. Burkle*, (2006)135 Cal.App.4th 1045, 1052, 1054-1055. The public's right to attend trials and review court records arises from the First Amendment's constitutional guarantee of the public's access to the courts, which extends to the evidence and testimony a court considers in discharging its constitutional obligation to uphold and apply the law. *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1209.

There must be some compelling justification which would warrant filing any documents under seal. *Huffy Corp. v. Superior Court* (2003) 112 Cal.App.4th 97, 106-107; *Universal City Studios, Inc. v. Superior Court* (2003) 110 Cal.App.4th 1273, 1284-1285.

The Court must make an express finding that "there exists an overriding interest that overcomes the right of public access to the record." Rule 2.550 (d).

As discussed below, the Court cannot find any overriding interest that would support sealing the declaration and exhibits.

Exhibit One: This letter was written to defendant Hansen by ACE suggesting it could assist him in collecting on a judgment against plaintiff in an Illinois action. Plaintiff asserts there was no successful claim against him and the Illinois action was dismissed. Assuming plaintiff is correct, that is not a reason to seal the letter.

Exhibit two: Plaintiff contends the documents were published on the internet and contain his private

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information. The abstract of judgment is a public record recorded in 1993. Plaintiff could have sought redaction of his driver's license number and social security number from that judgment in 1993, but he did not. Schedule F, creditors' claims, was filed by plaintiff in his bankruptcy proceeding. This is a public record created by plaintiff. He could have sought redaction in the bankruptcy action but he did not. Sealing the records in Exhibit two in this action would accomplish nothing as they remain public records in the prior actions. The law does not require idle acts.

Exhibit three: Citizen petition submitted to the Food and Drug Administration by defendant Burch is also a public record. It is her opinion on LASIK surgery and does not mention plaintiff. The fact that plaintiff disagrees with Burch's opinion is not a reason to seal the document.

Exhibit four: This is a letter, written in April 2007, to Burch from the State of North Carolina directing her to redact personal information in public records before publishing the records on the internet. There nothing in this letter that requires it to be sealed.

Exhibits five through 10: These are excerpts from the deposition of Burch. She is questioned about the web site and the fact that the documents published on it contained plaintiff's personal information. She confirmed that the information was removed after she received the letter from the attorney general of North Carolina. There is nothing in these transcripts that requires sealing.

Exhibit 11 through 13: These are documents downloaded from the internet that show the salaries of certain law firms and positions in the legal community. There is absolutely no reason to seal a document that has been published on the internet and contains no one's identity or personal information.

The minute order is effective immediately. No formal order pursuant to CRC Rule 3.1312 or further notice is required.

### **COURT RULING**

There being no request for oral argument, the Court affirmed the tentative ruling.