



DEPARTMENT 17 - COMPLEX LITIGATION
THE HONORABLE GEORGE C. HERNANDEZ, JR. PRESIDING
GUIDELINES FOR MOTIONS TO SEAL DOCUMENTS (CRC 2.550 et seq.)

1) Avoid sealing motions whenever possible:

Counsel should endeavor to avoid sealing motions whenever possible. Any sensitive information that is not necessary for the resolution of the motion should be redacted. (This includes individual social security numbers, financial account numbers, personal contact information, etc.)

A court order is not required to permit filing or lodging records under seal that are required to be kept confidential by law, or that are filed or lodged in connection with discovery motions or proceedings. (CRC 2.550(a)(2), (3).)

If information essential to a motion is sensitive but not subject to Rule 2.550, parties should follow the procedures set forth in Rule 2.551(d) anyway, except that the envelope or container containing the records should be labeled appropriately. To avoid confusion, it is strongly recommended that the label state "UNDER SEAL" (without the word "conditionally"), clearly identify the nature of the records, and include the following language: "NO COURT ORDER IS REQUIRED BECAUSE RULES OF COURT 2.550-2.551 DO NOT APPLY."

2) If sealing is necessary:

Sealing motions must be scheduled for hearing on or before the hearing on the underlying motion. If necessary, stipulate to, or obtain, an order shortening time.

Strict compliance with the applicable rules of Court is required, including declaration(s) and a proposed order that sets forth the factual findings required by CRC 2.550(d), (e). A stipulation that items should be sealed does not suffice.

The bare minimum should be redacted/sealed. In points and authorities, efforts should be made to avoid discussing sensitive information in such detail as to require the filing of redacted and sealed versions of each memorandum.

A public, redacted version of each document must be filed. The unredacted/complete version (proposed to be sealed) should be lodged (not filed) directly with the courtroom clerk in Department 17. It is also helpful to lodge a "delta document," which is the original showing the redactions in strikeout, so the judge can see in a single document what information you wish to seal, without having to compare two documents.

Counsel should have a backup plan in case the motion to seal is not granted.