

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**NINA S. BOYD**

**Plaintiff,**

**v.**

**U.S. BANK NATIONAL ASSOCIATION**

**Defendant.**

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**Case No. 06-2115-CM**

**ORDER SEALING DOCUMENTS**

This matter comes before the court upon defendant's Motion for Order to Place Exhibits to Summary Judgment Motion Under Seal (Doc. 40). The motion indicates that plaintiff's counsel does not oppose the present motion. The present motion explains that defendant "attached numerous exhibits, including in particular exhibits G and T" and "[i]nadvertently . . . did not redact certain information from the exhibits that were filed." Thus, defendants ask "that *all* of the exhibits to the Summary Judgment Motion be considered filed under seal and made unavailable to the general public."<sup>1</sup>

**Standard**

Pursuant to the parties' protective order "[i]f a Party wishes to submit or file under seal any motions . . . briefs, or other documents that contain . . . Confidential information, the Party must first file a motion with the Court and be granted leave to file the documents containing Confidential information under seal."<sup>2</sup>

However, "at whatever stage in the litigation" the party moving to file documents under seal "must demonstrate a public or private harm sufficient to overcome the public's right of

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<sup>1</sup>(Emphasis added).

<sup>2</sup> See Protective Order (Doc. 16) at p. 3.

access to judicial records.”<sup>3</sup> Moreover, that plaintiff agrees with defendant does not convince the court to grant the present motion because “[t]he fact that all litigants favor sealing the record is of interest, but not determinative.”<sup>4</sup>

Defendant have failed to make the proper showing as why the court should order the clerks office to seal *all* exhibits to defendant’s Motion for Summary Judgment. The court cannot simply direct the clerk’s office to seal *every* exhibit to defendant’s motion for summary judgment. Accordingly,

IT IS THEREFORE ORDERED that defendant’s Motion for Order to Place Exhibits to Summary Judgment Motion Under Seal (Doc. 40) is granted in part and denied in part. The Clerk’s office is directed to strike Exhibits G and T. Defendant is directed to submit to the Clerk’s office copies of Exhibits G and T redacting any portion considered confidential pursuant to the parties’ protective order or as listed in D. Kan. Rule 5.4.14.

IT IS SO ORDERED.

Dated this 30th day of January, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge

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<sup>3</sup>*Bryan v. Eichenwald*, 194 F.R.D. 650, 652 (D. Kan. 2000).

<sup>4</sup>*Id.* (citation omitted).