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

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YOLANDA G. KERR,

v.

Plaintiff,

**CIVIL ACTION** 

DILLARD STORE SERVICES, INC., et al., Defendants. No. 07-2604-KHV

## MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's <u>Unopposed Motion For Order Sealing Anonymous</u> <u>Letter</u> (Doc. #133) filed May 10, 2010. Plaintiff requests that the Court seal an anonymous letter which the Clerk of the Court docketed in this case on October 2, 2009. <u>See</u> Doc. #127. The Court dismissed the case on May 11, 2010.

To successfully establish the need to file under seal pursuant to Rule 26(c)(1)(G), Fed. R. Civ. P., the party must demonstrate that the information in question might be harmful. <u>Id.</u> Any motion to seal parts of the record must also establish that the interests favoring non-disclosure outweigh the public's interest in access to court documents. <u>See Nixon v. Warner Commc'ns</u>, 435 U.S. 589, 599 (1978); <u>Crystal Grower's Corp. v. Dobbins</u>, 616 F.2d 458, 461 (10th Cir. 1980). The public has a fundamental interest in understanding disputes that are presented to a public forum for resolution. <u>Id.</u> at 461. In addition, the public's interest in district court proceedings includes the assurance that courts are run fairly and that judges are honest. <u>Id.</u>

Plaintiff argues that the letter contains defamatory and untrue allegations about her. Plaintiff also states that she has learned who sent the letter, but does not disclose the name of the author. The letter

has been a matter of public record since October 2, 2009. The Court cannot see how placing the letter under seal at this point would prevent any harm or serve the public interest.

## IT IS THEREFORE ORDERED that plaintiff's <u>Unopposed Motion For Order Sealing</u> <u>Anonymous Letter</u> (Doc. #133) filed May 10, 2010 be and hereby is **OVERRULED**.

Dated this 17th day of May, 2010 at Kansas City, Kansas.

<u>s/ Kathryn H. Vratil</u> Kathryn H. Vratil United States District Judge