

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

AND

EULALIA SALAZAR-SANTIAGO,

Intervenor-Plaintiff,

v.

Case No. 8:17-cv-1292-T-30AAS

FAVORITE FARMS, INC.,

Defendant

_____ /

ORDER

The United States Equal Employment Opportunity Commission (“EEOC”) moves to seal briefing that reveals Eulalia Salazar-Santiago’s immigration status. (Doc. 45). Ms. Salazar-Santiago and RCMA agree with the EEOC’s motion to seal; Favorite Farms does not. (*Id.* at 12).

In relevant part, Local Rule 1.09(a) states:

Unless filing under seal is authorized by statute, rule, or order, a party seeking to file under seal any paper or other matter in any civil case shall file and serve a motion, the title of which includes the words “Motion to Seal” and which includes: (i) an identification and description of each item proposed for sealing; (ii) the reason that filing each item is necessary; (iii) the reason that sealing each item is necessary; (iv) the reason that a means other than sealing is unavailable or unsatisfactory to preserve the interest advanced by the movant in support of the seal; (v) a statement of the proposed duration of the seal; and (vi) a memorandum of legal authority supporting the seal.

Here, the EEOC requests the court file under seal: (1) Favorite Farms’ motion to compel RCMA to respond to its subpoena duces tecum, and attached exhibits (Doc. 41); (2) the EEOC’s forthcoming motion for protective order and motion to modify Favorite Farms’ subpoena on RCMA; (3) responses to Favorite Farms’ motion to compel; (4) motions from Favorite Farms for leave to reply to its motion to compel and Favorite Farms’ following replies; and (5) hearing transcripts and orders relating to Favorite Farms’ motion to compel. (Doc. 45, pp. 4–6).

The filings the EEOC wishes to seal are necessary because each would be responsive to Favorite Farms’ current motion to compel discovery from RCMA. The EEOC argues documents revealing Ms. Salazar-Santiago’s immigration status must be sealed, otherwise there would be a “chilling effect” on similarly-situated immigrants likely to request future assistance from the EEOC. (*Id.* at 8) (citations omitted). The EEOC asks the court to seal the documents for ten years. (*Id.* at 4). Also, the EEOC provided a memorandum of law to support its motion. (*Id.* at 3–12).

Given responses to Favorite Farms’ motion to compel are due presently, and those responses involve Ms. Salazar-Santiago’s immigration status, the EEOC provided sufficient reason to temporarily seal documents under Local Rule 1.09(a). However, the court will not grant the EEOC’s motion to seal Favorite Farms’ motion for leave to reply and following reply because no replies are forthcoming. Also, the court will not grant the EEOC’s motion to seal hearing transcripts; instead, the sealing of hearing transcripts will be addressed at those hearings.

This Order sealing documents is temporary. Favorite Farms may move for reconsideration of this Order after parties and RCMA submit responses to Favorite Farms’ motion to compel. Even if Favorite Farms does not move for reconsideration, the court will reconsider the Order sua sponte. The public has a presumptive right to view judicial records. *Nixon v. Warner Commc’ns, Inc.*, 435

U.S. 589, 597 (1978). Although time constraints imposed by the response deadline to Favorite Farms' motion to compel weigh toward temporarily granting the EEOC's motion to file documents under seal, the EEOC failed to explain why means other than permanently sealing documents are unavailable under Local Rule 1.09(a).

Therefore, it is **ORDERED** that:

1. The EEOC's motion to seal briefing related to Ms. Salazar-Santiago's immigration status (Doc. 45) is **GRANTED in part** and **DENIED in part**.
2. The Clerk is directed to temporarily seal the following documents pending reconsideration of this Order:
 - a. Favorite Farms' motion to compel RCMA to respond to a subpoena duces tecum, and attached exhibits (Doc. 41);
 - b. The EEOC's forthcoming motion for protective order concerning Ms. Salazar-Santiago's immigration status, and all responses to that motion;
 - c. The EEOC's forthcoming motion to modify Favorite Farms' subpoena on RCMA, and all responses to that motion; and
 - d. All responses to Favorite Farms' motion to compel.
3. When parties or RCMA submit documents that fall under the categories of documents to be temporarily sealed under this Order, those documents must be clearly designated as "Under Seal" in the document's title.
4. RCMA can no longer email chambers or upload to CM/ECF its response to Favorite Farms' motion to compel. Under the Administrative Procedures for Electronic Filing in the Middle District of Florida, documents filed under seal must be in paper

format.

5. The EEOC must immediately provide a copy of this Order to RCMA's counsel and then submit a notice of compliance with the court.
6. Due to time constraints and the fact paper documents are necessary for filing under seal, all responses to Favorite Farms' motion to compel (Doc. 41) must be submitted in paper format to the Clerk's office by **4:00 p.m. on May 14, 2018**. No extensions of time will be given.

ORDERED in Tampa, Florida on this 9th day of May, 2018.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge