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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 JOSE GUADALUPE PEREZ-
9 FARIAS, JOSE F. SANCHEZ,
10 RICARDO BETANCOURT, and all
other similarly situated persons,

11 Plaintiffs,

12 v.

13 GLOBAL HORIZONS, INC., *et al.*,

14 Defendants.

EX PARTE

NO. CV-05-3061-RHW

***EX PARTE ORDER DIRECTING
PLAINTIFF TO FILE
RESPONSE***

15 Before the Court is Plaintiff's Motion for Writs of Garnishment, ECF No.
16 1334. Plaintiff filed the motion ex parte.

17 Here, it is not clear the purpose of filing the motion ex parte. Generally, the
18 public has a federal common law right of access to all information filed with the
19 Court, which in turn "creates a strong presumption in favor of access' to judicial
20 documents which 'can be overcome' only by showing 'sufficiently important
21 countervailing interests.'" *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1212
22 (9th Cir. 2002), *quoting San Jose Mercury News, Inc. v. United States Dist. Court*,
23 187 F.3d 1096, 1102 (9th Cir. 1999). Also, under the First Amendment, the public
24 has a presumed right of access to court proceedings and documents. *Oregonian
25 Publ'g Co. v. United States Dist. Court for Dist. of Oregon*, 920 F.2d 1462, 1465
26 (9th Cir. 1990). This presumed right can be overcome only by an overriding right or
27 interest "based on findings that closure is essential to preserve higher values and is
28 narrowly tailored to serve that interest." *Id.*, *quoting Press-Enterprise Co. v.*

EX PARTE ORDER DIRECTING PLAINTIFF TO FILE RESPONSE ~ 1

1 *Superior Court*, 464 U.S. 501, 510 (1985). “The interest is to be articulated along
2 with findings specific enough that a reviewing court can determine whether the
3 closure order was properly entered.” *Id.*

4 There may be special rules, of which the Court is unaware, that permit
5 garnishment proceedings to be presented and filed ex parte. However, the Court is
6 not aware of such rules and intends to file the order addressing Plaintiff’s Motion
7 for Writs of Garnishment in the public record, but Plaintiff will be permitted to file
8 briefing presenting legal support and argument as to why the Court’s order should
9 be filed ex parte.

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. Within seven (7) days from the date of this Order, Plaintiff shall file
12 briefing presenting legal support and argument as to why the Court’s order should
13 be filed ex parte. Plaintiff is permitted to file the brief ex parte.

14 2. If Plaintiff does not file a timely response, the Court will enter its Order
15 addressing Plaintiff’s Motion for Writs of Garnishment in the public record.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter
17 this Order ex parte and to provide copies to Plaintiff’s counsel.

18 **DATED** this 26th day of April, 2013.

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21 *s/Robert H. Whaley*
22 **ROBERT H. WHALEY**
23 United States District Court
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