

(6th Cir. 1983). “Only the most compelling reasons can justify non-disclosure of judicial records.” *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 476 (6th Cir. 1983). Moreover, the seal itself, when appropriate, should be narrowly tailored to the compelling reason articulated by the district court for sealing the filing. *See, e.g., Press-Enter. Co. v. Superior Court of California, Riverside Cnty.*, 464 U.S. 501, 509-11 (1984). When analyzing whether the public interest outweighs justifications to seal a document, “the privacy interests of innocent third parties should weigh heavily in a court’s balancing equation.” *Shane Grp., Inc. v. Blue Cross Blue Shield*, 825 F.3d 299, 305 (6th Cir. 2016) (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)); *see, e.g., In re Knoxville News-Sentinel Co.*, 723 F.2d 470 at 476 (affirming district court’s decision to seal innocent third parties’ bank records). Indeed, a district court that elects to seal court records must make specific findings and conclusions that “justify nondisclosure to the public.” *Brown & Williamson Tobacco Corp.*, 710 F.2d at 1176; *see also United States v. Kravetz*, 706 F.3d 47, 60 (1st Cir. 2013) (“Appellate courts have . . . emphasized that upon entering orders which inhibit the flow of information between courts and the public, district courts should articulate on the record their reasons for doing so.”). “[A] court’s failure to set forth those reasons . . . is itself sufficient grounds to vacate the seal.” *Rudd Equip. Co. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 594 (6th Cir. 2016) (quoting *Shane Grp.*, 825 F.3d at 306). The obligation to render such findings applies with equal force to situations in which the motion to seal is unopposed. *See Shane Grp., Inc.*, 825 F.3d at 306.

Here, Plaintiffs assert that the video surveillance footage should be sealed because it “shows other minors who are not a subject of this” lawsuit. (ECF No. 72 at PageID 549.) To this end, one compelling reason to seal the video footage is that “the Family Educational Rights and Privacy Act (“FERPA”) protects educational records or personally identifiable information from

improper disclosure.” *Doe v Cnty. Bd. Of Educ.*, 213 F.3d 921, 926 (6th Cir. 2000). 20 U.S.C. § 1232g(b)(1). “[P]rivacy rights are of particular import when recognized and protected by federal statutory provisions like the FERPA.” *United States v. Miami Univ.*, 294 F.3d 797, 834 n. 24 (6th Cir. 2002). The Court specifically finds that the video surveillance footage should be sealed because: (1) it contains, or likely contains, the personally identifiable information of non-party minors (i.e., their faces captured on film); (2) such information is statutorily protected; and (3) the public interest in viewing the video ought not override Congress’ deliberate statutory protections for the minors’ privacy. *See Doe v. Detroit Pub. Schs. Cmty. Dist.*, Case No. 21-11136, 2021 U.S. Dist. LEXIS 202741 (E.D. Mich. Oct. 21, 2021) (sealing video taken at school because it captured nonparty minors’ personally identifiable information); *see also Miami Univ.*, 294 F.3d at 834; *Shane Grp., Inc.*, 825 F.3d at 306 (explaining privacy interests of nonparties should “weigh heavily” in the Court’s analysis). Consistent with these findings, the Court also references its earlier Protective Order in this matter that ensured the confidentiality of “[a]ll student educational records and information” pursuant to FERPA protections. (*See* ECF No. 51 at PageID 245–46.) Therefore, the Motion is **GRANTED**.

CONCLUSION

For the foregoing reasons, the Court hereby **GRANTS** Plaintiff’s unopposed Motion as to (a) filing the video surveillance footage *and* (b) permits them to do so under seal. (ECF No. 9.)

IT IS SO ORDERED this 5th day of February 2022.

s/ Mark Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE