

MINUTE ORDER

CASE NUMBER: CIV. NO. 21-00063 SASP-RT

CASE NAME: McCoy vs. Kakehi, *et al.*

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JUDGE: Shanlyn A.S. Park

DATE: 10/15/2025

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**COURT ACTION: EO: ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBITS "E," "I," "J," "K," "L," "M," "N," AND "P" UNDER SEAL, FILED SEPTEMBER 29, 2025 [ECF NO. 191]**

On September 29, 2025, Defendants Lena Kakehi, Lita Jyring, and Natasha Combs (collectively "Defendants") filed a "Motion for Leave to File Exhibits 'E,' 'I,' 'J,' 'K,' 'L,' 'M,' 'N,' and 'P' Under Seal" ("Motion"). ECF No. 191. In their Motion, Defendants argue that the identified exhibits contain confidential information that is entitled to protection from disclosure under state law. *Id.* At the outset, Exhibits "N" and "P" were not provided to this Court for review; therefore, as to those exhibits, Defendants' Motion is DENIED. As to the remaining exhibits, "E," "I," "J," "K," "L," "M," and "O,"<sup>1</sup> after careful consideration of the Motion, the supporting documents, and the relevant legal authority, the Court hereby RULES as follows.

The public has a "general right to inspect and copy public records and documents, including judicial records and documents." *Kamakana v. City & Cnty. Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Except for certain records traditionally kept secret for policy reasons, such as grand jury proceedings and warrant materials during pre-indictment investigation, there is a strong presumption in favor of public access. *Id.* (citing *Times Mirror Co. v. United States*, 873 F.2d 1210, 1219 (9th Cir. 1989)). To overcome this presumption, a party seeking to seal a judicial record

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<sup>1</sup> Although not referenced in Defendants' Motion, Exhibit "O" was included among the exhibits submitted to the Court for review. Therefore, the Court construes this submission as falling within Defendants' request for an order sealing documents.

“must articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.” *Id.* at 1178–79 (cleaned up) (internal citations and quotation marks omitted). In turn, the court must balance the competing interests of the public and the party seeking to seal a judicial record. *Id.* at 1179 (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). If the court decides to grant a request to seal, it “must ‘base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture.’” *Id.* (quoting *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995)).

Here, Defendants contend that the exhibits they seek to seal consist of confidential information acquired from the confidential records or files of the Department of Human Services (“DHS”), as well as family court filings, that are prohibited from disclosure under state law. ECF No. 191. Hawai‘i law provides for the confidentiality of DHS records. Under Hawaii Revised Statutes (“HRS”) § 346-10, “The department [DHS] and its agents shall keep records that may be necessary or proper in accordance with this chapter. All applications and records concerning any applicant or recipient shall be confidential.” HRS § 346-10(a). An unauthorized disclosure of information obtained from the confidential records or files of DHS is a violation under HRS § 346-11. *See also* Hawaii Administrative Rules § 17-1601-4 (“All records and information shall be confidential and unauthorized disclosure or re-disclosure shall be a violation.”). Although confidential information shall be disclosed under HRS § 346-10(e) if an appropriate waiver is obtained, it does not appear any such waiver has been or can be provided in this case. Additionally, the HRS provides for the confidentiality and nondisclosure of all reports of child abuse or neglect made to DHS. *See* HRS § 350-1.4(a). And “[a]ny person who intentionally makes an unauthorized disclosure of [such] a report or record of a report made to the department shall be guilty of a misdemeanor.” *Id.* Furthermore, the HRS provides for the exclusion of the public from child protective proceedings, except for “parties found by the court to have a direct interest in the case.” HRS § 587A-25(a). This exclusion is to ensure, *inter alia*, that there is ample protection for children who have been harmed or who are in life circumstances that threaten harm. HRS § 587A-2.

The Court finds that the above-cited authorities evince a compelling state interest in the confidentiality of DHS and family court records and the protection of such information from disclosure. This confidentiality is a legal requirement mandating strict controls over access to protected information. As such, Defendants have articulated compelling reasons in support of their request to seal the identified exhibits in their entirety, and these reasons outweigh the general history of access

and the public policies favoring disclosure. With respect to Exhibit “O,” however, the exhibit was filed as a public document on September 29, 2025. *See* ECF No. 194-17. Therefore, the confidentiality interests protected under state law would not be advanced by an order sealing this exhibit, as the document has been made available to the public.

Based on the foregoing, Defendants’ Motion is GRANTED IN PART and DENIED IN PART. The Motion is GRANTED as to Exhibits “E,” “I,” “J,” “K,” “L,” and “M” and DENIED in all other respects. The named exhibits will remain sealed indefinitely. This Court further ORDERS that any interested party has ten (10) days from the date of this Minute Order to file an objection. Should the Court receive an objection, a hearing will be held to determine whether it would be appropriate to unseal the exhibits.

IT IS SO ORDERED.