

PETITIONER OR ATTORNEY (Name, State Bar number, and address):

ERIN L. PROUTY, ESQ. (SBN: 122205)  
HOFFMAN, SABBAN & WATENMAKER, APC  
10880 Wilshire Blvd., Suite 2200  
Los Angeles, CA 90024  
TELEPHONE NO.: (310) 470-6010 FAX NO. (Optional): (310) 470-6735

FOR COURT USE ONLY

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 06 2010

John A. Clarke, Executive Officer/Clerk  
By Rugena Lopez Deputy  
RUGENA LOPEZ

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): PETITIONER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 NORTH HILL ST.  
MAILING ADDRESS: 111 NORTH HILL ST.  
CITY AND ZIP CODE: LOS ANGELES, CA 90012-3014  
BRANCH NAME: CENTRAL

PETITION OF (Name of each petitioner): PORTIA DE ROSSI

FOR CHANGE OF NAME

**ORDER TO SHOW CAUSE FOR CHANGE OF NAME**

CASE NUMBER **DS127545**

**TO ALL INTERESTED PERSONS:**

1. Petitioner (name): PORTIA DE ROSSI  
for a decree changing names as follows:

filed a petition with this court

Present name

Proposed name

- a. Portia de Rossi to Portia Lee James DeGeneres
- b. \_\_\_\_\_ to \_\_\_\_\_
- c. \_\_\_\_\_ to \_\_\_\_\_
- d. \_\_\_\_\_ to \_\_\_\_\_
- e. \_\_\_\_\_ to \_\_\_\_\_

Continued on Attachment 1.

2. THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

**NOTICE OF HEARING**

a. Date: \_\_\_\_\_ Time: \_\_\_\_\_  Dept.: \_\_\_\_\_  Room: \_\_\_\_\_

b. The address of the court is  same as noted above  other (specify): \_\_\_\_\_

3. a.  A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county (specify newspaper):  
METROPOLITAN NEWS

b.  Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**NOTE: When a *Petition for Change of Name* has been filed for a child and the other parent, if living, does not join in consenting to the name change, the petitioner must have a notice of the time and place of the hearing or a copy of the *Order to Show Cause* served on the other parent not less than 30 days prior to the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. If a petition to change the name of a child has been filed by a guardian, the guardian must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing, or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. (This Note is included for the information of the petitioner and shall not be included in the *Order to Show Cause* published in the newspaper.)**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 ERIN L. PROUTY, ESQ. (SBN: 122205)  
 HOFFMAN, SABBAN & WATENMAKER, APC  
 10880 Wilshire Blvd., Suite 2200  
 Los Angeles, CA 90024  
 TELEPHONE NO.: (310) 470-6010 FAX NO. (Optional): (310) 470-6735  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Petitioner

A6110

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 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF LOS ANGELES  
 AUG 06 2010  
 John A. Clarke, Executive Officer/Clerk  
 By RUGENA LOPEZ Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
 STREET ADDRESS: 111 NORTH HILL ST.  
 MAILING ADDRESS: 111 NORTH HILL ST.  
 CITY AND ZIP CODE: LOS ANGELES, CA 90012-3014  
 BRANCH NAME: CENTRAL

PETITION OF (Name of each petitioner): PORTIA DE ROSSI

PETITION FOR CHANGE OF NAME CASE NUMBER **BS127545**

Before you complete this petition, you should read the *Instructions for Filing a Petition for Change of Name* on the next page. You must answer all questions and check all boxes on this petition that apply to you. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (name): Portia de Rossi resides in this county.

2. Petitioner requests that the court decree the following name changes (list every name that you are seeking to change):

<u>Present name</u>	changed to	<u>Proposed name</u>
a. <u>Portia de Rossi</u>	changed to	<u>Portia Lee James DeGeneres</u>
b. _____	changed to	_____
c. _____	changed to	_____
d. _____	changed to	_____

Continued (if you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 2).

3. Petitioner requests that the court issue an order directing all interested persons to appear and show cause why this petition for change of name of the persons identified in item 2 should not be granted.

4. The number of persons under 18 years of age whose names are to be changed is (specify): 0

5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by

- a.  both parents.
- b.  mother only.
- c.  father only.
- d.  near relative (name and relationship):
- e.  guardian (name):
- f.  other (specify):

6. For each person whose name is to be changed, petitioner provides the following information (you must attach a complete copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110) for each person identified in item 2):

a. The number of attachments included in this petition is (specify number): 1  
 b-f. (Attachment page or pages)

CIT/CASE: 07545 LEA/NEF#:  
 RECEIPT #: CH47728076  
 DATE PAID: 08/06/10 03:37:37 PM  
 PAYMENT: 1.00  
 RECEIVED:  
 CHECK: 355.00  
 CASH:  
 CASH:  
 CASH:  
 CASH:

PETITION OF (Name of petitioner or petitioners): <u>Portia de Rossi</u>	CASE NUMBER:
FOR CHANGE OF NAME	

**NAME AND INFORMATION ABOUT THE PERSON  
WHOSE NAME IS TO BE CHANGED**  
Attachment to Petition (form NC-100 or form NC-200)

Attachment 1 of 1

(You must use a separate attachment for each person whose name is to be changed. If petitioner is a guardian of a minor, a supplemental attachment, Declaration of Guardian (form NC-110G), must also be completed and attached for each minor whose name is to be changed.)

6. (Continued) Petitioner applies for a decree to change the name of the following person:

b.  Self  Other

- (1) Present name (specify): Portia de Rossi
- (2) Proposed name (specify): Portia Lee James DeGeneres
- (3) Born on (date of birth): January 31, 1973  
and presently  under 18 years of age  over 18 years of age
- (4) Born at (place of birth): Geelong, Australia
- (5) Sex (as stated on original birth certificate):  Male  Female
- (6) Current residence address (street, city, county, and zip code):

**REDACTED - SEE MOTION TO SEAL**

c. Reason for name change (explain): Petitioner is taking the last name of her spouse.

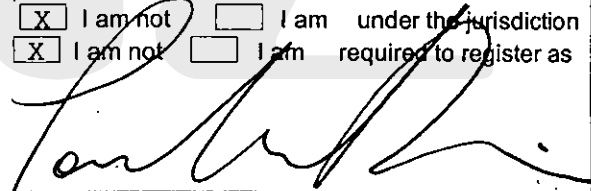
d. Relationship of the petitioner to the person whose name will be changed:

- (1)  self
- (2)  parent
- (3)  guardian
- (4)  near relative (indicate relationship):
- (5)  other (specify):

e. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:

- (1) Father (name): \_\_\_\_\_ (address): \_\_\_\_\_
- (2) Mother (name): \_\_\_\_\_ (address): \_\_\_\_\_
- (3) (Only if neither parent is living) Near relatives (names, relationships, and addresses):

f. If the person whose name will be changed is 18 years of age or older, that person must sign the following declaration:

DECLARATION	
I declare under penalty of perjury under the laws of the State of California that	<input checked="" type="checkbox"/> I am not <input type="checkbox"/> I am under the jurisdiction of the California Department of Corrections (in state prison or on parole) and <input checked="" type="checkbox"/> I am not <input type="checkbox"/> I am required to register as a sex offender under Penal Code section 290.
Date: <u>3/29/10</u>	
<u>Portia de Rossi</u> (TYPE OR PRINT NAME OF PERSON WHOSE NAME IS TO BE CHANGED)	(SIGNATURE OF PERSON WHOSE NAME IS TO BE CHANGED)

(If petitioner is represented by an attorney, the attorney's signature follows):

Date: 4/2/2010

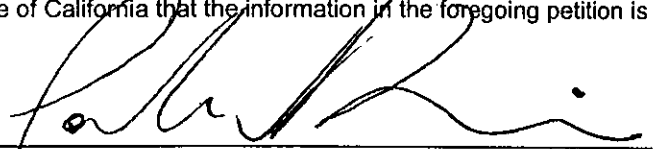
Erin L. Prouty, Esq.  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF ATTORNEY)

(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date: 3/29/10

Portia de Rossi  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PETITIONER)

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS

SIGNATURE OF PETITIONERS FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

ERIN L. PROUTY, ESQ.

HOFFMAN, SABBAN & WATENMAKER, APC  
10880 Wilshire Blvd., Suite 2200  
Los Angeles, CA 90024

TELEPHONE NO.: (310) 470-6010 FAX NO.: (310) 470-6735

ATTORNEY FOR (Name): PETITIONER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 NORTH HILL STREET

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BRANCH NAME: CENTRAL

CASE NAME: PORTIA DE ROSSI

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COUNTY OF LOS ANGELES

AUG 08 2010

John A. Clarke, Executive Officer/Clerk

By Rugena Lopez Deputy

**CIVIL CASE COVER SHEET**

**Unlimited** (Amount demanded exceeds \$25,000)  
 **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**

**Counter**  **Joinder**  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE: **BS127545**  
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

**Auto Tort**

Auto (22)  
 Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

**Employment**

Wrongful termination (36)  
 Other employment (15)

**Contract**

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

**Real Property**

Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

**Unlawful Detainer**

Commercial (31)  
 Residential (32)  
 Drugs (38)

**Judicial Review**

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**

Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

RICO (27)  
 Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties d.  Large number of witnesses  
b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c.  Substantial amount of documentary evidence f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): one

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 2, 2010

ERIN L. PROUTY, ESQ.

(TYPE OR PRINT NAME)

*Erin L. Prouty*  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 ERIN L. PROUTY, ESQ. (SBN 122205)  
MICHELLE J. CORRELL, ESQ. (SBN 229488)  
2 **HOFFMAN, SABBAN & WATENMAKER**  
A Professional Corporation  
3 10880 Wilshire Boulevard, Suite 2200  
Los Angeles, California 90024  
4 Telephone No.: 310.470.6010  
Facsimile: 310.470.6735  
5 Attorneys for Petitioner  
6 Portia de Rossi

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 06 2010

John A. Clarke, Executive Officer/Clerk  
By Rugena Lopez Deputy  
RUGENA LOPEZ

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

11 In the matter of

12  
13 PORTIA DE ROSSI,  
14

15  
16 Petitioner.

Case No.

**BS127545**

SUPPLEMENTAL DECLARATION IN  
SUPPORT OF MOTION TO FILE UNDER  
SEAL PORTIONS OF DOCUMENTS  
RELATING TO PETITIONER'S ADDRESS

Date:  
Time:  
Dept: 1A  
Judge: Hon. Matthew St. George

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SUPP. DECL. ISO MOTION TO SEAL PORTION OF DOCUMENTS  
RELATING TO PETITIONER'S ADDRESS

1                                    **SUPPLEMENTAL DECLARATION OF MICHELLE J. CORRELL**

2                                    I, Michelle J. Correll, declare:

3                                    1.        I am an attorney licensed to practice law in the State of California and am  
4 an associate at the law firm Hoffman, Sabban & Watenmaker, APC, counsel of record for  
5 petitioner Portia de Rossi. If called as a witness, I could and would competently testify to the  
6 facts set forth herein.

7                                    2.        I submit this supplemental declaration at the request of the Court in  
8 support of Ms. de Rossi's Motion to File Under Seal Portions of Documents Relating to  
9 Petitioner's Address, which was filed on or about June 19, 2010.

10                                   3.        Ms. de Rossi seeks to change her legal name. In order to accomplish this,  
11 Ms. de Rossi must file a Petition for Change of Name and Name Change Criminal History  
12 Assessment (the "Name Change Petition and Supporting Documents"), both of which require her  
13 to disclose her current home address, among other things.

14                                   4.        Ms. de Rossi and her spouse, Ellen DeGeneres, are both in the public eye.  
15 Ms. de Rossi is a well-known television and film actress, and Ms. DeGeneres is a popular  
16 television personality.

17                                   5.        **Overriding Interest That Overcomes Right of Public Access and**  
18 **Supports Sealing.** Given the significant public and media attention given to them, both Ms. de  
19 Rossi and Ms. DeGeneres have an overriding privacy interest in maintaining the confidentiality  
20 of their home address. If their home address were filed publicly with the Court, it would  
21 unquestionably be widely disseminated by the media and online publications, which, in turn,  
22 would compromise Ms. de Rossi's and Ms. DeGeneres' safety and personal privacy. Indeed, Ms.  
23 de Rossi and Ms. DeGeneres have previously received unwelcome and threatening attention from  
24 private citizens. Public disclosure of their home address would significantly increase the  
25 likelihood of further such unwelcome and threatening attention. Ms. de Rossi's and Ms.  
26 DeGeneres' overriding interest in their safety and personal privacy overcomes the right of public  
27 access to their home address and supports sealing the record.



1 ERIN L. PROUTY, ESQ. (SBN 122205)  
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3 10880 Wilshire Boulevard, Suite 2200  
Los Angeles, California 90024  
4 Telephone No.: 310.470.6010  
Facsimile: 310.470.6735

5 Attorneys for Petitioner  
6 Portia de Rossi

RECEIVED  
JUL 20 2010

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 06 2010  
John A. Clarke, Executive Officer/Clerk  
By Rugena Lopez Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

10  
11 In the matter of

12  
13  
14 PORTIA DE ROSSI,

15  
16 Petitioner.

Case No.

**BS127545**

NOTICE OF MOTION AND MOTION TO  
FILE UNDER SEAL PORTIONS OF  
DOCUMENTS RELATING TO  
PETITIONER'S ADDRESS;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
ERIN L. PROUTY

Date: 9/23/10  
Time: 9:00 A.M.  
Dept: 1A  
Judge: Hon. Matthew St. George



1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 YOU ARE HEREBY NOTIFIED THAT on \_\_\_\_\_, 2010, at  
3 \_\_\_\_\_ a.m. in Department 1A of this Court, located at 111 North Hill Street, Los Angeles,  
4 California, Petitioner Portia de Rossi will move the Court for an Order pursuant to California  
5 Civil Procedure Code section 1277(b)(4) and California Rule of Court 2.550 and 2.551 allowing  
6 her to file with the Court her Petition for Change of Name and Name Change Criminal History  
7 Assessment with her home address redacted.

8 This Motion does not ask the Court for leave to file the entire Petition for Change  
9 of Name and Name Change Criminal History Assessment under seal, but only the portions of  
10 these documents that disclose Petitioner's home address. Accordingly, the public will have  
11 access to all of the information contained in the Petition for Change of Name and Name Change  
12 Criminal History, other than the Petitioner's home address. In addition, the public will have  
13 access to the Court's order on the Petition.

14 This application is made on the grounds that a sealing order is required under  
15 California Civil Procedure Code section 1277(b)(4) and California Rule of Court. 2550(d)  
16 because the facts establish:

- 17 1. There exists an overriding interest that overcomes the right of public  
18 access to the records;
  - 19 2. The overriding interest supports sealing the record;
  - 20 3. A substantial probability exists that the overriding interest will be  
21 prejudiced if the record is not sealed;
  - 22 4. The proposed sealing is narrowly tailored; and
  - 23 5. No less restrictive means exist to achieve the overriding interest.
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This Motion is based on this Notice of Motion, the attached Memorandum of Points and Authorities and Declaration of Michelle J. Correll, the pleadings and documents filed herein, and such argument as may be presented in connection with the Motion.

Dated: JULY 16, 2010

Respectfully submitted,

**HOFFMAN, SABBAN & WATENMAKER  
A Professional Corporation**

By: *Michelle J. Correll*  
**MICHELLE J. CORRELE**  
Attorneys for Petitioner  
Portia de Rossi



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 Portia de Rossi is a well-known television and film actress and the spouse of  
4 popular television personality, Ellen DeGeneres. By this Motion, Ms. de Rossi respectfully asks  
5 the Court to allow her to file under seal those portions of her Petition for Change of Name and  
6 Name Change Criminal History Assessment (the "Name Change Petition and Supporting  
7 Documents") that reveal the address of the home she and Ms. DeGeneres share. Both Ms. de  
8 Rossi and Ms. DeGeneres have overriding privacy and safety interests in maintaining the  
9 confidentiality of their home address given the significant public and media attention given to  
10 them. Their safety and personal privacy would be compromised unless their home address is  
11 redacted from the publicly filed version of the Name Change Petition and Supporting  
12 Documents, and the unredacted version of these documents are filed under seal.

13 Ms. de Rossi therefore requests that the Court enter an order allowing her to file  
14 the unredacted versions of the Name Change Petition and Supporting Documents under seal,  
15 with only Ms. de Rossi's home address redacted in the publicly filed version. Ms. de Rossi is not  
16 seeking to seal the Name Change Petition and Supporting Documents in their entirety.  
17 Therefore, the public will have access to the redacted version of the Name Change Petition and  
18 Supporting Documents, as well as the Court's order granting the petition.

19 **BACKGROUND**

20 Portia de Rossi seeks to change her legal name pursuant to Civil Procedure Code  
21 section 1275 *et seq.* In order to accomplish this, Ms. de Rossi must file a Petition for Change of  
22 Name and Name Change Criminal History Assessment, both of which require her to disclose her  
23 current home address, among other things. *See* Cal. Civ. Proc. Code § 1276(a) ("The petition or  
24 pleading shall specify the . . . residence of the person."); *see also* Form NC-100 and L.A. Civ.  
25 Form 266.

26 Given the fame of both Ms. de Rossi and her spouse, Ellen DeGeneres, they are  
27 the objects of significant public and media interest and have previously received unwelcome and  
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1 threatening attention from private citizens. If the Name Change Petition and Supporting  
2 Documents are publicly filed with Ms. de Rossi and Ms. DeGeneres' home address, that  
3 information would be disseminated rapidly to the public through, among other things, internet  
4 sources, thereby compromising Ms. de Rossi's and Ms. DeGeneres' safety and personal privacy.

5 Ms. de Rossi has filed redacted versions of the Name Change Petition and  
6 Supporting Documents, with only her home address redacted. If this motion is granted, she will  
7 file unredacted versions of those documents under seal.

8 **LEGAL ARGUMENT**

9 **THE COURT SHOULD ALLOW MS. DE ROSSI TO FILE THE NAME**  
10 **CHANGE PETITION AND SUPPORTING DOCUMENTS UNDER SEAL TO**  
11 **PROTECT HER OVERRIDING PRIVACY INTEREST IN MAINTAINING THE**  
12 **CONFIDENTIALITY OF HER HOME ADDRESS.**

13 This Motion to seal is subject to the standard and procedures set forth in  
14 California Civil Procedure Code section 1277(b)(4) and California Rules of Court 2.550 and  
15 2.551. Under California Civil Procedure Code section 1277(b)(4) and California Rule of Court  
16 2.550(d), which are based on the standards enunciated by the California Supreme Court in *NBC*  
17 *Subsidiary (KNBC-TV) Inc. v. Superior Court*, 20 Cal.4th 1178 (1999), a court may seal the  
18 record "if it expressly finds facts that establish:"

- 19 (1) There exists an overriding interest that overcomes  
20 the right of public access to the record;
- 21 (2) The overriding interest supports sealing the record;
- 22 (3) A substantial probability exists that the overriding interest will be  
23 prejudiced if the record is not sealed;
- 24 (4) The proposed sealing is narrowly tailored; and
- 25 (5) No less restrictive means exist to achieve the overriding interest.

26 Cal. Civ. Proc. Code § 1277(b)(4)(A); Cal. R. Ct. 2.550(d); *see* Advisory Committee Comment  
27 to Cal. R. Ct. 2.550 ("Courts have found that, under appropriate circumstances, various statutory  
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1 privileges, trade secrets, and privacy interests, when properly asserted and not waived, may  
2 constitute ‘overriding interests’”). All five factors are present here.

3           A.     **There Are Overriding Interests that Overcome the Right to Public**  
4                   **Access and Support Sealing the Record to Prevent Prejudice to Those**  
5                   **Interests**

6           The California Constitution guarantees every individual a right to privacy.  
7     *See* Cal. Const., Art. I, § 1 (“All people are by nature free and independent and have inalienable  
8 rights. Among these are . . . pursuing and obtaining safety, happiness and privacy.”) For  
9 purposes of the sealing analysis, the courts recognize that, “in appropriate circumstances, the  
10 right to privacy may be properly described as a compelling or overriding interest.” *In re*  
11 *Marriage of Burkle*, 135 Cal. App. 4th 1045, 1063 (2006).

12           Here, Ms. de Rossi and her spouse, Ms. DeGeneres, have an overriding privacy  
13 interest in maintaining the confidentiality of their personal information, including the address of  
14 the home they share together. *See* Decl. of Erin L. Prouty, ¶ 3; *see also Valley Bank of Nevada*  
15 *v. Superior Court*, 15 Cal. 3d 652, 656 (1975) (“[The] right of privacy extends to . . . the details  
16 of one’s personal life”); *People v. Jackson*, 128 Cal. App. 4th 1009, 1024 (2005) (“In order to  
17 protect the right of privacy, it is appropriate to seal certain records when those particular records  
18 contain highly sensitive personal information about individuals.”). Indeed, case authority is clear  
19 that individuals have a substantial interest in the privacy of their home, including their addresses  
20 and phone numbers. *See Planned Parenthood Golden Gate v. Superior Court*, 83 Cal. App. 4th  
21 347, 359 (2000).

22           The Name Change Petition and Supporting Documents reveal details of Ms. de  
23 Rossi’s and Ms. DeGeneres’ personal lives, specifically address information -- details which, in  
24 light of the significant media attention given to Ms. de Rossi and Ms. DeGeneres, would be  
25 widely disseminated if filed publicly. This would not only compromise their personal privacy,  
26 but also their safety given the public interest in them and previous unwelcome and threatening  
27 attention from private citizens. Ms. de Rossi’s and Ms. DeGeneres’ overriding privacy and  
28 safety interests support redacting their home address from the Name Change Petition and

1 Supporting Documents and sealing the unredacted versions of these documents to ensure that  
2 their privacy and safety is not prejudiced. *See* Cal. Civ. Proc. Code § 1277(b)(4)(A)(ii), (iii);  
3 Cal. R. Ct. 2.550(d)(2), (3).

4  
5 **D. The Proposed Sealing Is As Narrowly Tailored As Possible, and No**  
6 **Less Restrictive Means Exist to Achieve the Overriding Interests.**


7 The proposed sealing is as narrowly tailored as possible, and no less restrictive  
8 means exist to achieve the overriding interest. *See* Cal. Civ. Proc. Code § 1277(b)(4)(A)(iv), (v);  
9 Cal. R. Court 2.550(d)(4), (5). For the reasons discussed above, Ms. de Rossi's and Ms.  
10 DeGeneres' privacy interests in maintaining the confidentiality of their home address may be  
11 protected only by redacting their home address from the Name Change Petition and Supporting  
12 Documents filed in the public record, and filing unredacted versions of those documents under  
13 seal. The public's interest in access to these proceedings will be satisfied because the Name  
14 Change Petition and Supporting Documents, with only Ms. de Rossi's home address redacted  
15 from them, will be publicly filed, as will the Court's order on the petition.

16 **CONCLUSION**

17 For the foregoing reasons, Ms. de Rossi respectfully requests that the Court enter  
18 an order allowing her to file the unredacted versions of the Name Change Petition and  
19 Supporting Documents under seal, with only Ms. de Rossi's home address redacted in the  
20 publicly filed version.

21 Dated: July 16, 2010

22 Respectfully submitted,  
23 **HOFFMAN, SABBAN & WATENMAKER**  
24 **A Professional Corporation**

25 By:   
26 **MICHELLE J. CORRELL**  
27 **Attorneys for Petitioner**  
28 **Portia de Rossi**

