

1 (213) - 792 - 8520

ERIN L. PROUTY, ESQ. (SBN 122205)  
MICHELLE J. CORRELL, ESQ. (SBN 229488)  
**HOFFMAN, SABBAN & WATENMAKER**  
A Professional Corporation  
10880 Wilshire Boulevard, Suite 2200  
Los Angeles, California 90024  
Telephone No.: 310.470.6010  
Facsimile: 310.470.6735

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

AUG 06 2010

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

Attorneys for Petitioner  
Portia de Rossi

(323) 596-5800

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

In the matter of  
  
PORTIA DE ROSSI,  
  
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

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



1                   6.       **Substantial Probability of Prejudice.** Given Ms. de Rossi's and  
2 Ms. DeGeneres' large fan base and the significant amount of public and media attention given to  
3 them, there is far more than a substantial probability that Ms. de Rossi's and Ms. DeGeneres'  
4 safety and personal privacy interests would be prejudiced if the record revealing their home  
5 address is not sealed. It is virtually certain that, in the absence of a sealing order, information  
6 concerning their home addresses would receive widespread publicity, thereby destroying Ms. de  
7 Rossi's and Ms. DeGeneres' privacy and compromising their safety.

8                   7.       **Narrowly Tailored Sealing with No Less Restrictive Means to Achieve**  
9 **the Overriding Interest.** Ms. de Rossi is not seeking to seal the Name Change Petition and  
10 Supporting Documents in their entirety. Rather, she seeks only to redact the address of the home  
11 she and Ms. DeGeneres share from the publicly filed version of the documents. Thus, the  
12 proposed sealing is narrowly tailored to redact only the limited information at issue from the  
13 publicly record. No less restrictive means exist to achieve Ms. de Rossi's and Ms. DeGeneres'  
14 overriding interest in their safety and personal privacy. For the reasons discussed above, Ms. de  
15 Rossi's and Ms. DeGeneres' privacy interests in maintaining the confidentiality of their home  
16 address may be protected only by redacting their home address from the Name Change Petition  
17 and Supporting Documents filed in the public record, and filing unredacted versions of those  
18 documents under seal. The public's interest in access to these proceedings will be satisfied  
19 because the Name Change Petition and Supporting Documents, with only Ms. de Rossi's home  
20 address redacted from them, will be publicly filed, as will the Court's order on the petition.

21  
22                   I declare under penalty of perjury of the laws of the State of California that the  
23 foregoing is true and correct. Executed on July 29, 2010, at Los Angeles, California.

24  
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26                     
27                   MICHELLE J. CORRELE

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

RECEIVED  
JUL 20 2010

**FILED**  
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

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In the matter of

PORTIA DE ROSSI,

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.

15 **CONCLUSION**

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

20  
21 Dated: July 16, 2010

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

22  
23  
24 By:   
25 **MICHELLE J. CORRELL**  
26 **Attorneys for Petitioner**  
27 **Portia de Rossi**

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FOR COURT USE ONLY

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

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

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

AUG 06 2010

John A. Clarke, Executive Officer/Clerk

By Rugena Lopez Deputy  
RUGENA LOPEZ

CASE NUMBER **BS127545**

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.)