

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NORMA MADRIGAL,
Plaintiff,
v.
NATIONSTAR MORTGAGE LLC, et al.,
Defendants.

Case No. 1:15-cv-00809-SAB
ORDER GRANTING IN PART REQUEST
TO SEAL DOCUMENTS
(ECF No. 70)
FOUR DAY DEADLINE

On January 31, 2017, Defendant Nationstar Mortgage LLC filed a motion for summary judgment and a motion to file documents in support of the motion under seal. On February 21, 2017, an order issued finding that Defendant had not shown that compelling reasons exist to seal the documents. See Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006) (“compelling reasons must be shown to seal judicial records attached to a dispositive motion”). On February 27, 2017, Defendant filed a supplement to the motion for summary judgment and a renewed notice to file documents under seal.

The supplement filed on February 27, 2017 contains the documents that Defendant originally requested be filed under seal. While the original documents requested to be sealed contained redactions some additional redactions have been made to the documents filed in the supplement. Defendant’s current request is for the Court to seal the following records because they contain nonpublic, personal information of the nonparty borrower who obtained the loan at

1 issue in the lawsuit:

- 2 • The sources of Nationstar’s knowledge of the loan and Nationstar’s testimony
3 about the loan, payments made on the loan, escrow calculations,
4 communications sent to the borrower, servicing of the loan, and Nationstar’s
5 business records and practices. (Nationstar’s Decl., ¶¶ 1-7.)
- 6 • Loan origination information and information regarding the prior servicer of
7 the loan. (Id. at ¶¶ 8, 10-14.)
- 8 • The monthly payments owed, payments received, payments applied to the
9 loan, and payments returned. (Id. at ¶ 9, 16, 18-23, 25, 27, 28-31, Exs. 4-8
10 (Statements), Ex. 9 (Payment History), Ex. 11 (Collection History).)
- 11 • Escrow history of the loan. (Id. at ¶ 15, 17-23, Ex. 3 (Escrow Disclosure
12 Statement), Exs. 4-8 (Statements), Ex. 9 (Payment History).)
- 13 • Default and foreclosure notices sent to the borrower. (Id. at ¶¶ 24, 26, Ex. 10
14 (Notice).)

15 (Def. Nationstar Mortgage LLC’s Renewed Mot. To Seal Docs. 4, ECF No. 70.)

16 Defendant seeks to seal Nationstar’s declaration filed in support of the motion for
17 summary judgment. This appears to refer to the declaration of Nationstar Mortgage LLC in
18 Support of Motion for Summary Judgment which was filed in the public record on February 27,
19 2017. (ECF No. 69-2 at 1-7.) Further, the information contained within this declaration is set
20 forth in Defendant’s motion for summary judgment. (See Statement of Undisputed Facts, ECF
21 No. 62.) As this document and the information set forth within has been filed in the public
22 record, the request to file the document under seal is denied.

23 Defendant also seeks to file the annual escrow disclosure statement (Exhibit 3), monthly
24 payment information (Exhibits 4-8), payment history (Exhibit 9), default and foreclosure notices
25 (Exhibit 10), and collection history (Exhibit 11) under seal. These documents have been filed in
26 the record with redactions. The Court construes Plaintiff’s motion as a request to file unredacted
27 documents under seal.

28 Upon review of the information that has been redacted from the documents filed in the
public record, the Court finds that compelling reasons exist to file the unredacted documents
under seal to protect the privacy of the non-party borrower in this action. The Court has
reviewed the documents submitted by Defendant to be filed under seal and they are not
unredacted copies of the documents. Accordingly, Defendant will be required to submit
unredacted copies of the documents so that they may be filed under seal.

///

1 Based on the foregoing, IT IS HEREBY ORDERED that Defendant Nationstar Mortgage
2 LLC's request to file documents under seal is GRANTED, and within four (4) days of the date of
3 entry of this order, Defendant Nationstar Mortgage LLC shall email a copy of the unredacted
4 documents to saborders@caed.uscourts.gov so that they may be filed under seal.

5
6 IT IS SO ORDERED.

7 Dated: March 1, 2017


UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28