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7 *Attorneys for Plaintiffs and the Class*

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**UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA**

**SHEILA GOODEN**, an individual; and  
**MICHELLE HALL**, an individual,

Plaintiffs,

vs.

**SUNTRUST MORTGAGE, INC.**,  
 a Virginia corporation,

Defendant.

Case No. 2:11-cv-02595-JAM-DAD

**PLAINTIFFS' REQUEST AND ORDER  
 TO CONDITIONALLY SEAL  
 DOCUMENTS**

1 **REQUEST TO CONDITIONALLY SEAL DOCUMENTS**

2 PLEASE TAKE NOTICE that pursuant to Local Rule 141 and to the Stipulated Protective  
3 Order and Confidentiality Agreement entered in this case [Docket No. 40], Plaintiffs seek court  
4 approval to file their Opposition to Defendant’s Motion to Dismiss the First Amended Complaint,  
5 the Declaration of Eric J. Buescher in Support thereof and its attached exhibit under seal.

6 1. The parties’ Stipulated Protective Order provides:

7 1. The Parties shall have the right to designate as confidential any  
8 documents, things and information produced in compliance to a discovery  
9 request or other requirement of the rules of discovery which contains trade  
10 secrets, confidential research, development, commercial or financial  
11 information or any other proprietary or confidential business information.

12 11. All Confidential Documents and any papers containing  
13 information contained therein or derived therefrom that are filed with the  
14 Judge shall be filed in accordance with Local Rules 141 and 141.1(e).

15 [Docket No. 40].

16 2. Defendants have designated the document attached as Exhibit 1 to the Declaration  
17 of Eric J. Buescher as “CONFIDENTIAL.” Plaintiffs do not believe that the document is  
18 properly designated as “CONFIDENTIAL” under the Protective Order, and reserve their right to  
19 challenge that designation. However, Plaintiffs request that the Court allow the Opposition to  
20 Defendant’s Motion to Dismiss the First Amended Complaint, the Declaration of Eric J. Buescher  
21 in Support thereof and its attached exhibit to be filed under seal to avoid disclosing the  
22 information designated as “CONFIDENTIAL” in Plaintiffs’ Opposition to Defendant’s Motion to  
23 Dismiss the First Amended Complaint, the Declaration of Eric J. Buescher in Support thereof and  
24 its attached exhibit.

25 3. The following portions of Plaintiffs’ Opposition to Defendant’s Motion to Dismiss  
26 First Amended Complaint include or are derived from the exhibit Defendant has marked as  
27 “CONFIDENTIAL;”

- 28 • Page 1, lines 8-9 (bolded text);
- Page 1, lines 12-13;
- Page 1, line 27;

- 1 • Page 4, lines 23 to page 5, line 7;
- 2 • Page 5, lines 10-12 (bolded text);
- 3 • Page 5, lines 13-14; and
- 4 • Page 11, lines 13-15.

5 4. Under Local Rule 141, Plaintiffs hereby submit this Request to Conditionally Seal  
6 Documents for a period of seven (7) days in order to provide time for Defendant to make a  
7 showing that the document is properly designated as “CONFIDENTIAL” under the protective  
8 order and to seek to have the document permanently placed under seal, a Proposed Order, along  
9 with the Opposition to Defendant’s Motion to Dismiss the First Amended Complaint, the  
10 Declaration of Eric J. Buescher in Support thereof and its attached exhibit for filing under seal.

11 5. Plaintiffs’ counsel conferred with defense counsel about filing this Request to  
12 Conditionally Seal Documents. Defense counsel requested that the documents be filed under seal.

13 6. Plaintiffs request that the documents be file-stamped as of today’s date, August 7,  
14 2013.

15 WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs’ Request to  
16 Conditionally Seal the Opposition to Defendant’s Motion to Dismiss the First Amended  
17 Complaint, the Declaration of Eric J. Buescher in Support thereof and its attached, and the relief  
18 requested herein.

19  
20 Respectfully Submitted,

21 Dated: August 7, 2013

**COTCHETT, PITRE & McCARTHY, LLP**

By: /s/ Eric J. Buescher  
ERIC J. BUESCHER

*Attorneys for Plaintiffs and the Class*

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1 **ORDER**

2 Plaintiffs' Request to Conditionally Seal their Opposition to Defendants' Motion to  
3 Dismiss, the Declaration of Eric J. Buescher in support of the same and the document attached as  
4 Exhibit 1 to that declaration is GRANTED.

5 The documents shall be filed conditionally under seal for a period of seven (7) days. If  
6 Defendant wishes to have the documents remain under seal, it shall provide to the Court the  
7 reasons for doing so pursuant to the paragraph one of the parties stipulated protective order and  
8 Local Rules 141 and 141.1

9 Plaintiffs' Opposition to Defendants' Motion to Dismiss, the Declaration of Eric J.  
10 Buescher in support of the same and the document attached as Exhibit 1 to that declaration shall  
11 be file-stamped with the date of August 7, 2013.

12  
13 **IT IS SO ORDERED.**

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15 Dated: **8/9/2013**

16 /s/ John A. Mendez \_\_\_\_\_  
17 THE HONORABLE JOHN A. MENDEZ  
18 U. S. DISTRICT COURT JUDGE  
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