

United States District Court
For the Northern District of California

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY LABRADOR, individually and on)	Case No. 08-2270 SC
behalf of all others similarly)	
situated,)	ORDER DENYING PLAINTIFF'S
)	SECOND ADMINISTRATIVE
Plaintiff,)	<u>MOTION TO FILE UNDER SEAL</u>
)	
v.)	
)	
SEATTLE MORTGAGE COMPANY,)	
)	
Defendant.)	
)	

Plaintiff Mary Labrador ("Plaintiff") brings this administrative motion to file under seal certain documents designated as confidential by Defendant Seattle Mortgage Company ("Defendant"). ECF No. 89 ("Mot."). Specifically, Plaintiff seeks to file under seal Exhibits H, I, J, K, and L attached in support of her Motion for Class Certification. ECF. No. 75 ("Mot. for Class Cert."). These documents were produced by Defendant in discovery, and Plaintiff brings this Motion "solely to give Defendant . . . an opportunity to establish that the documents, which were produced and designated 'Confidential' by SMC, should be filed under seal." Mot. at 1.

The Motion is Plaintiff's second motion to file these documents under seal; the Court denied her July 23, 2010 motion because no protective order was in place, instructing Plaintiff to

1 re-file her motion once the parties agreed to and the Court signed
2 a protective order. ECF No. 79. The Court subsequently ordered
3 Plaintiff to refile this motion, instructing Defendant to respond
4 to the motion "in accordance with Rule 79-5 and General Order 62."
5 ECF No. 87 ("Sept. 1, 2010 Order") at 6.

6 Civil Local Rule 79-5(d) requires a party seeking to file a
7 document designated as confidential by another party to file an
8 administrative motion with the court. The designating party then
9 has seven days to preserve the document's confidentiality by filing
10 and serving a "declaration establishing that the designated
11 information is sealable" and "a narrowly tailored proposed sealing
12 order." The Rule further states: "If the designating party does
13 not file its responsive declaration as required by this subsection,
14 the document or proposed filing will be made part of the public
15 record." Id.

16 Defendant has not complied with these requirements. As such,
17 the Court DENIES Plaintiff's Administrative Motion to file
18 Defendant's documents under seal. Pursuant to Civil Local Rule 79-
19 5(d), Plaintiff shall publicly e-file complete and unredacted
20 versions of Exhibits H, I, J, K, and L to Plaintiff's Motion for
21 Class Certification.

22

23 IT IS SO ORDERED.

24

25 Dated: September 13, 2010

26


UNITED STATES DISTRICT JUDGE

27

28