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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAHUGO ZALDANA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

KB HOME, et al.,

Defendants.
_____ /

No. C-08-3399 MMC

**ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Before the Court is plaintiff's Administrative Motion to File Under Seal, filed September 1, 2009, by which plaintiff seeks to file under seal the unredacted version of his Third Amended Complaint ("3AC"). Plaintiff states the 3AC contains information designated confidential by "[d]efendants." (See Mot. at 1:3.)

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civ. L.R. 79-5(d). "Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." Id. "If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record." Id.

1 Here, defendant KB Home states it “does not object” to the filing of the 3AC in
2 unredacted form (see Response, filed Sept. 9, 2009, at 1:2-3), and no other defendant has
3 filed a response within the time provided under Civil Local Rule 79-5(d). Accordingly, the
4 motion is hereby DENIED, and the Clerk shall file in the public record the unredacted
5 version of plaintiff’s 3AC.

6 **IT IS SO ORDERED.**

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8 Dated: September 10, 2009


MAXINE M. CHESNEY
United States District Judge

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