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3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 FERNANDO DE SAUSA, et al.

8 Plaintiffs,

9 v.

10 HSBC BANK U.S.A., N.A., et al.,

11 Defendants.  
12

NO. C12-5081 TEH

ORDER DENYING STIPULATION  
FOR IN CAMERA REVIEW OF  
SETTLEMENT AGREEMENTS

13 The parties have represented that they have settled all claims, including Plaintiffs’  
14 claims under the Fair Labor Standards Act (“FLSA”), and jointly request that the Court  
15 review the agreements *in camera* because the parties have agreed to keep the settlement  
16 terms confidential. They assert that courts “regularly approve FLSA settlement agreements  
17 after reviewing the terms *in camera*” and cite two out-of-district cases from early 2009 to  
18 support their contention. Jan. 29, 2014 Stip. & Proposed Order at 3. However, citing cases  
19 that post-date the two cases relied on by the parties, one judge in this district recently  
20 concluded that “[m]ost district courts considering a motion to seal in connection with a  
21 motion to approve settlement of FLSA claims have applied a presumption of public access.”  
22 *Luo v. Zynga Inc.*, No. C13-0186 NC, 2013 WL 5814763, at \*2 (N.D. Cal. Oct. 29, 2013).  
23 That court further noted that “[t]he existence of a confidentiality provision, without more,  
24 does not constitute good cause, let alone a compelling reason, to seal” a settlement  
25 agreement. *Id.* at \*3.


26 Accordingly, with good cause appearing, the parties’ stipulation for *in camera* review  
27 is DENIED without prejudice. The parties shall consider the reasoning in the *Luo* case and  
28 reconsider whether the settlement agreements in this case must be filed in the public record.

1 If the parties believe that the standard for filing under seal is satisfied, then they shall file a  
2 motion to file documents under seal pursuant to Civil Local Rule 79-5.

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**IT IS SO ORDERED.**

Dated: 02/04/14

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT