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

SEAN L GILBERT,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

No. C 13-01171 JSW

**ORDER RE MOTION TO SEAL
AMENDED COMPLAINT**

On October 9, 2013, Plaintiff filed an administrative motion to seal portions of the First Amended Complaint, because it contained information that defendant Money Mutual LLC designated as confidential under a protective order issued in *Pham v. JPMorgan Chase Bank, NA*, 13-CV-4209-JSW. Money Mutual has not filed the declaration required by Local Rule 79-5(e) in the time required by that rule, and based on the Court's review, it would not appear that the information is sealable. However, the record also reflects that counsel for Money Mutual LLC is out of the country until October 30, 2013, a fact of which Plaintiff was aware. (*See* Docket No. 32 (Notice of Unavailability), Docket No. 33-1 (Declaration of Donald Putterman ¶ 2).)

Mr. Putterman is not the only counsel listed as counsel of record for Money Mutual LLC on the caption page of those papers and, thus, it is not clear to the Court why co-counsel could not have responded to Plaintiff's administrative motion. However, Mr. Putterman has attested that he is the only attorney in his office working on this case, and the Court shall take him at his word. (Putterman Decl. ¶ 6.) If, however, that is the case, it is not clear why Mr. Logan is listed

1 on the caption page as co-counsel.

2 In light of Mr. Putterman's unavailability, the Court shall give Money Mutual LLC one
3 **final** opportunity to file a declaration under Local Rule 79-5(e), that would demonstrate why
4 the information Plaintiff identifies should be sealed. Money Mutual LLC shall file this
5 declaration by no later than November 4, 2013. If Money Mutual LLC fails to file a declaration
6 by that date or fails to establish by declaration that the portions of the First Amended Complaint
7 at issue are sealable, the Court shall deny Plaintiff's administrative motion to seal.

8 Pending a ruling on the motion to seal, Document No. 41, the unredacted version of the
9 First Amended Complaint, shall remain locked. Plaintiff is **HEREBY ADVISED** that, in the
10 future, he must await a ruling on a motion to seal before filing such documents in the record.

11 **IT IS SO ORDERED.**

12 Dated: May 21, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE