

1
2 IN THE UNITED STATES DISTRICT COURT
3
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 ARMANDO PLASCENCIA and MELANIA
6 PLASCENCIA, individually and on
7 behalf of all others similarly
8 situated,

9 Plaintiffs,

10 v.

11 LENDING 1st MORTGAGE; LENDING 1st
12 MORTGAGE, LLC; EMC MORTGAGE
13 CORPORATION; and DOES 1 through 10
14 inclusive,

15 Defendants.
16 _____/

No. C 07-04485 CW

ORDER DENYING
WITHOUT PREJUDICE
MOTIONS TO SEAL
(Docket Nos. 206,
212 and 223)

17 Plaintiffs Armando Plascencia and Melania Plascencia move for
18 leave to file under seal documents related to their motion to amend
19 the class certification order and their opposition to Defendant EMC
20 Mortgage Corporation's motion to vacate the hearing on their motion
21 to amend. Plaintiffs maintain that these documents contain
22 information that EMC designated as confidential. EMC moves for
23 leave to file under seal documents related to its opposition to
24 Plaintiffs' motion to amend.

25 Because the public interest favors filing all court documents
26 in the public record, any party seeking to file a document under
27 seal must demonstrate good cause to do so. Pintos v. Pac.
28 Creditors Ass'n, 565 F.3d 1106, 1115 (9th Cir. 2009). This cannot
be established simply by showing that the document is subject to a
protective order or by stating in general terms that the material

1 is considered to be confidential, but rather must be supported by a
2 sworn declaration demonstrating with particularity the need to file
3 each document under seal. See Civil L.R. 79-5(a). If a document
4 has been designated as confidential by another party, that party
5 must file a declaration establishing that the document is sealable.
6 Civ. Local R. 79-5(d).

7 EMC did not file declarations in support of Plaintiffs'
8 motions to seal, which implicate information from EMC's Sellers
9 Guide. In its administrative motion, EMC also seeks leave to file
10 under seal information from its Sellers Guide, which it claims is
11 confidential. This suggests that EMC's failure to file
12 declarations supporting Plaintiffs' administrative motions could
13 have been an oversight.

14 The declaration EMC filed in support of its motion to seal is
15 insufficient to justify granting its motion or those of Plaintiffs.
16 In it, EMC simply cites the parties' stipulated protective order
17 and asserts that the information is confidential. Under Civil
18 Local Rule 79-5(a), this recitation is inadequate.

19 Accordingly, the Court DENIES without prejudice Plaintiffs'
20 motions to seal (Docket Nos. 206 and 212) and EMC's motion to seal
21 (Docket No. 223). EMC shall review Plaintiffs' motions to seal,
22 determine whether they implicate sealable material and, if so, file
23 a declaration concerning Plaintiffs' administrative motions within
24 three days of the date of this Order. In its declaration, EMC
25 shall also offer an adequate basis to support its motion to seal;
26 in the alternative, it may choose to withdraw its sealing request
27 and file unredacted versions of its documents in the public record.
28 If EMC fails to file a declaration or unredacted versions of its

1 documents in the public record, the Court will not consider the
2 information EMC seeks to file under seal, which includes portions
3 of its opposition to Plaintiffs' motion to amend.

4 If EMC does not file a timely supporting declaration,
5 Plaintiffs shall file unredacted versions of their documents in the
6 public record.

7 IT IS SO ORDERED.

8
9 Dated: 11/2/2010



CLAUDIA WILKEN
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28