

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

3
4 ARMANDO PLASCENCIA, et al.,

No. C 07-4485 CW

5 Plaintiffs,

ORDER GRANTING IN
PART PLAINTIFFS'

6 v.

ADMINISTRATIVE
MOTION TO FILE

7 LENDING 1ST MORTGAGE, et al.,

UNDER SEAL

8 Defendants.

(Docket No. 287)

9 _____/

10
11 Plaintiffs Armando and Melania Plascencia move to file under
12 seal certain documents offered in support of their Motion to Amend
13 the Class Certification Order, including their unredacted
14 Memorandum of Points and Authorities in support of their motion,
15 the Declaration of Michael Quirk, and Exhibits 1 and 2 to the
16 Quirk Declaration, excerpts from the depositions of Janet Gonzalez
17 and Mary Haggarty. Plaintiffs have filed a redacted version of
18 their Memorandum of Points and Authorities in the public record.
19 See Docket No. 286. In their motion to seal, Plaintiffs state
20 that the materials that they seek to seal have been "designated
21 'Confidential' under the terms of the Stipulated Protective Order
22 and/or contain information from said materials." Mot., at 2.

23
24 On November 15, 2011, Defendant EMC filed a declaration in
25 support of Plaintiffs' motion to seal as to the unredacted
26 Memorandum of Points and Authorities and Exhibits 1 and 2 to the
27 Quirk Declaration. See Declaration of Susan Miller Overby, Docket
28

1 No. 288. In this declaration, EMC states that these documents
2 "contain nonpublic, confidential, and proprietary information
3 about the way in which loan documents used by Lending 1st Mortgage
4 for loans it sold to EMC were prepared and by whom, and refer to
5 confidential Seller's Guides," and that "public disclosure of this
6 information would cause harm and prejudice to EMC by placing EMC
7 at a competitive disadvantage." Id. at ¶ 4.

8
9 Because the public interest favors filing all court documents
10 in the public record, any party seeking to file a document under
11 seal must demonstrate good cause to do so. Pintos v. Pac.
12 Creditors Ass'n, 565 F.3d 1106, 1115 (9th Cir. 2009). This cannot
13 be established simply by showing that the document is subject to a
14 protective order or by stating in general terms that the material
15 is considered to be confidential, but rather must be supported by
16 a sworn declaration demonstrating with particularity the need to
17 file each document under seal. See Civil L.R. 79-5(a).

18
19 No party or non-party has filed a declaration establishing
20 that the Declaration of Michael Quirk is sealable. Accordingly,
21 Plaintiffs' motion is DENIED to the extent that it pertains to the
22 Quirk Declaration itself.

23
24 EMC has provided reasons supporting the sealing of the
25 unredacted version of the Memorandum of Points and Authorities and
26 Exhibits 1 and 2 to the Quirk Declaration, which Plaintiffs submit
27 in connection with their Motion to Amend the Class Certification
28 Order. Accordingly, Plaintiffs' motion for leave to file

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documents under seal is GRANTED to the extent it pertains to these documents.

Within four days of the date of this Order, Plaintiffs may electronically file the Quirk Declaration in the public record or may withdraw it, and may file under seal the unredacted version of the Memorandum of Points and Authorities in support of their Motion to Amend the Class Certification Order and Exhibits 1 and 2 to the Quirk Declaration, in accordance with General Order 62. Civ. L.R. 79-5(e).

IT IS SO ORDERED.

Dated: 12/1/2011



CLAUDIA WILKEN
United States District Judge