

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

3  
4 ARMANDO PLASCENCIA; and MELANIA  
5 PLASCENCIA, individually and on  
6 behalf of all others similarly  
7 situated,

8                                    Plaintiffs,

9                                    v.

10 LENDING 1ST MORTGAGE; LENDING 1ST  
11 MORTGAGE, LLC; EMC MORTGAGE  
12 CORPORATION; and DOES 1-10,

13                                    Defendants.

No. C 07-4485 CW

ORDER GRANTING  
PLAINTIFFS'  
ADMINISTRATIVE  
MOTION TO FILE  
UNDER SEAL  
(Docket No. 306)

14                                    Plaintiffs Armando and Melania Plascencia move to file under  
15 seal their unredacted Reply to Defendant EMC Mortgage  
16 Corporation's Opposition to Plaintiffs' Second Motion to Amend the  
17 Class Certification Order. Plaintiffs have filed a redacted  
18 version of their Memorandum of Points and Authorities in the  
19 public record. See Docket No. 305. In their motion to seal,  
20 Plaintiffs state that the materials that they seek to seal have  
21 been "designated 'Confidential' under the terms of the Stipulated  
22 Protective Order and/or contain information from said materials."  
23 Mot., at 1.

24                                    On December 22, 2011, Defendant EMC filed a declaration in  
25 support of the motion to seal. See Declaration of Susan Miller  
26 Overby, Docket No. 288. EMC states that these documents "contain  
27 nonpublic, confidential, and proprietary information about the way  
28

1 in which loan documents used by Lending 1st Mortgage for loans it  
2 sold to EMC were prepared and by whom, and refer to confidential  
3 Seller's Guides," and that "public disclosure of this information  
4 would expose EMC's otherwise nonpublic, confidential, and  
5 proprietary practices, and would likely cause harm and prejudice  
6 to EMC by placing EMC at a competitive disadvantage." Id. at ¶ 4.

7  
8 Because the public interest favors filing all court documents  
9 in the public record, any party seeking to file a document under  
10 seal must demonstrate good cause to do so. Pintos v. Pac.  
11 Creditors Ass'n, 565 F.3d 1106, 1115 (9th Cir. 2009). This cannot  
12 be established simply by showing that the document is subject to a  
13 protective order or by stating in general terms that the material  
14 is considered to be confidential, but rather must be supported by  
15 a sworn declaration demonstrating with particularity the need to  
16 file each document under seal. See Civil L.R. 79-5(a).

17  
18 EMC demonstrated good cause supporting the sealing of the  
19 unredacted version of Plaintiff's reply. Accordingly, Plaintiffs'  
20 motion for leave to file documents under seal is GRANTED (Docket  
21 No. 306). Within four days of the date of this Order, Plaintiffs  
22 may file under seal their unredacted Reply, in accordance with  
23 General Order 62.

24 IT IS SO ORDERED.

25  
26  
27 Dated: 12/23/2011

28  
  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge