

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 DENYING
PLAINTIFFS'
ADMINISTRATIVE
MOTION TO FILE
UNDER SEAL
(Docket No. 318)

14 _____/

15 On December 29, 2011, Plaintiffs Armando and Melania
16 Plascencia filed a motion to file under seal Exhibit 1 to the
17 declaration of Chumahan B. Bowen, which Plaintiffs submitted in
18 support of their reply to Defendant Lending 1st's opposition to
19 Plaintiffs' motion to amend the complaint. In their motion to
20 seal, Plaintiffs state that Lending 1st has designated Exhibit 1
21 "as 'Confidential,' under the terms of the Stipulated Protective
22 Order." Mot., at 1.

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

1 is considered to be confidential, but rather must be supported by
2 a sworn declaration demonstrating with particularity the need to
3 file each document under seal. See Civil Local Rule 79-5(a).

4 Further, if a party wishes to file a document that has been
5 designated confidential by another party, the submitting party
6 must file and serve an Administrative Motion for a sealing order.
7 Civil Local Rule 79-5(d). Within seven days after the
8 administrative motion is filed, the designating party must file a
9 declaration establishing that the information is sealable. Id.
10 If the designating party does not file its responsive declaration,
11 the document or proposed filing will be made part of the public
12 record. Id.

14 Because Plaintiffs filed their motion on December 29, 2011,
15 Lending 1st, the party designating the material as confidential,
16 was required to file a declaration in support of the motion to
17 seal by January 5, 2012. However, Lending 1st has not done so.

19 Accordingly, Plaintiffs' motion for leave to file Exhibit 1
20 to the declaration of Chumahan B. Bowen under seal is DENIED
21 (Docket No. 318). Within four days of the date of this Order,
22 Plaintiffs shall file Exhibit 1 in the public record. Civil Local
23 Rule 79-5(e).

24 IT IS SO ORDERED.

25
26 Dated: 1/9/2012

27 
28 CLAUDIA WILKEN
United States District Judge