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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **OAKLAND DIVISION**

6 KAMLESH BANGA,

Case No. C 08-4147 SBA

7 Plaintiff,

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
APPLICATION TO FILE DOCUMENTS  
UNDER SEAL**

8 v.

9 EXPERIAN INFORMATION  
SOLUTIONS; KOHLS; FIRST USA,  
10 NA, and Does 1 through 10 inclusive,

11 Defendants.  
\_\_\_\_\_

12  
13 On January 12, 2010, Plaintiff Kamlesh Banga ("Plaintiff") submitted to the Court under seal  
14 the following documents (1) Declaration of Kamlesh Banga in Support of Motion to File Under Seal  
15 Selected Documents Submitted in Support of Plaintiff's Opposition to Defendants Experian and  
16 Kohl's Motion for Summary Judgment et al, (2) Declaration of Kamlesh Banga in Support of  
17 Plaintiff's Opposition to Defendant Experian Information Solutions' Motion for Summary  
18 Judgment, (3) Declaration of Kamlesh Banga in Support of Plaintiff's Opposition to Defendant  
19 Kohl's Motion for Summary Judgment or in the Alternative, for Summary Adjudication, (4)  
20 Plaintiff's Memorandum of Points and Authorities in Opposition to Defendant Kohl's Department  
21 Stores' Motion for Summary Judgment or in the Alternative for Summary Adjudication.

22 The Court is mindful of the fact that pleadings filed by a pro se plaintiff must be liberally  
23 construed. Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990). As such, the Court  
24 construes Plaintiff's submission titled "Declaration of Kamlesh Banga in Support of Motion to File  
25 Under Seal Selected Documents Submitted in Support of Plaintiff's Opposition to Defendants  
26 Experian and Kohl's Motion for Summary Judgment et al," as her application to file the  
27 aforementioned documents under seal (hereinafter, "application to seal"). Plaintiff requests that the  
28 documents contained in her three other submissions be filed under seal because they contain

1 confidential information relating to her personal credit information and the confidential and  
2 propriety trade secrets of defendants Experian and Kohl's.

3 Local Rule 79-5 specifies that a sealing order may issue only upon a request that establishes  
4 that the document, or portions thereof, is privileged or protectable. The request must be narrowly  
5 tailored to seek sealing only of sealable material, and must conform with Civil L.R. 79-5(b) or (c).  
6 Here, Plaintiff's application to seal the selected materials, in support of her oppositions to the two  
7 pending motions for summary judgment by the defendants, is narrowly tailored and complies with  
8 L.R. 79-5(a). The Court notes that "Plaintiff's Memorandum of Points and Authorities in Opposition  
9 to Defendant Kohl's Department Stores' Motion for Summary Judgment or in the Alternative for  
10 Summary Adjudication" consists of only one page, which is an excerpt from an interrogatory that  
11 discusses Kohl's credit policy and monitoring procedures. Because Plaintiff's application to seal  
12 does not contain any confidential information, it shall not be filed under seal.


13 Accordingly, Plaintiff's application to seal is APPROVED as to the three submissions titled:

- 14 1. Declaration of Kamlesh Banga in Support of Plaintiff's Opposition to Defendant  
15 Experian Information Solutions' Motion for Summary Judgment;
- 16 2. Declaration of Kamlesh Banga in Support of Plaintiff's Opposition to Defendant  
17 Kohl's Motion for Summary Judgment or in the Alternative, for Summary  
18 Adjudication;
- 19 3. Plaintiff's Memorandum of Points and Authorities in Opposition to Defendant Kohl's  
20 Department Stores' Motion for Summary Judgment or in the Alternative for  
21 Summary Adjudication.

22 Plaintiff's application to seal the document titled "Declaration of Kamlesh Banga in Support  
23 of Motion to File Under Seal Selected Documents Submitted in Support of Plaintiff's Opposition to  
24 Defendants Experian and Kohl's Motion for Summary Judgment et al." is DENIED.

25 IT IS SO ORDERED.

26 Dated: 1/22/10

27   
28 Sandra Brown Armstrong  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BANGA et al,

Case Number: CV08-04147 SBA

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Plaintiff,

**CERTIFICATE OF SERVICE**

v.

EXPERIAN INFORMATION SOLUTIONS ET  
AL et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
Northern District of California.

That on January 25, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

Kamlesh Banga  
P.O. Box 6025  
Vallejo, CA 94591

Dated: January 25, 2010

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk