

United States District Court
For the Northern District of California

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

FREDERICK J. CASISSA,
Plaintiff,

v.

FIRST REPUBLIC BANK, a division
of MERRILL LYNCH BANK AND TRUST
FSB; and DOES 1-20,
Defendants.

No. C 09-4129 CW

ORDER GRANTING
MOTION AND
STIPULATION TO
FILE UNDER SEAL
(Docket Nos. 118
and 124)

_____ /

ELIZABETH RIGGINS,
Plaintiff,

v.

FIRST REPUBLIC BANK, a division
of MERRILL LYNCH BANK AND TRUST
FSB; and DOES 1-20,
Defendants.

No. C 09-4130 CW

_____ /

Defendant Bank of America, N.A., as successor in interest to
Merrill Lynch Bank and Trust FSB, moves to file under seal
portions of Exhibits A, B, and H, and the entirety of Exhibit I
attached to the declaration of Andrew J. Sommer in support of
Defendant's motion for summary judgment on the claims filed
against it by Plaintiffs Frederick J. Casissa and Elizabeth
Riggins. Docket No. 124. Defendant has submitted a declaration
in support of its motion to file under seal. The parties have
also filed a stipulation agreeing that these documents should be
filed under seal. Docket No. 118.

1 In the declaration and stipulation, the parties represent
2 that the exhibits, or portions thereof, they seek to file under
3 seal are excerpts of deposition transcripts that contain several
4 types of confidential information. First, the transcripts contain
5 non-public personal information of bank customers. Sommer Decl.
6 ¶ 3; Stipulation ¶ 2. The excerpts also include information
7 regarding Defendant's Anti-Money Laundering/Bank Secrecy Act
8 operation, which, if disclosed, would provide the general public
9 insight into how banks detect suspicious activity. Sommer Decl.
10 ¶ 3; Stipulation ¶ 2. Finally, the excerpts concern an
11 investigation into a bank customer, for which the parties agreed
12 to a limited waiver of attorney-client privilege and attorney work
13 product protection regarding Defendant's response to a grand jury
14 subpoena. Sommer Decl. ¶ 4; Stipulation ¶ 3.

15 Defendant's filings are connected with a dispositive motion.
16 Thus, to establish that the documents are sealable, Defendant
17 "must overcome a strong presumption of access by showing that
18 'compelling reasons supported by specific factual findings . . .
19 outweigh the general history of access and the public policies
20 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d
21 665, 679 (9th Cir. 2010) (citation omitted). This cannot be
22 established simply by showing that the document is subject to a
23 protective order or by stating in general terms that the material
24 is considered to be confidential, but rather must be supported by
25 a sworn declaration demonstrating with particularity the need to
26 file each document under seal. Civil Local Rule 79-5(a).

27 The parties have provided reasons supporting the sealing of
28 portions of Exhibits A, B, and H, and the entirety of Exhibit I to

1 the Sommer Declaration. Accordingly, Defendant's motion and the
2 parties' stipulation are GRANTED (Docket Nos. 118 and 124).
3 Within three days of the date of this Order, Defendant shall file
4 these documents under seal, in accordance with General Order 62.

5 IT IS SO ORDERED.

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7 Dated: 5/15/2012


8 CLAUDIA WILKEN
9 United States District Judge
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