

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 REGARDING
MOTION AND
STIPULATION TO
FILE UNDER SEAL
(Docket No. 127)

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

United States District Court
For the Northern District of California

Plaintiffs Frederick J. Casissa and Elizabeth Riggins move to file under seal all of the evidence they offer in connection with their opposition to the motion for summary judgment filed by Defendant Bank of America, N.A. Docket No. 127. These documents are their own declarations, including the exhibits attached thereto, and the declaration of Stephen M. Murphy, including the five depositions excerpts attached thereto. The parties have also filed a stipulation agreeing that these documents should be filed under seal. Docket No. 127-2.

In Plaintiffs' declaration in support of the motion seal and the parties' stipulation, the parties generally represent that the

1 documents that they seek to file under seal contain non-public
2 personal information of bank customers. Stipulation ¶ 2; Shukla
3 Decl. ¶ 3. However, the parties do not specify which particular
4 documents contain such information, or if all documents they seek
5 to seal do. Plaintiffs also state that they have a "good faith
6 belief" that their declarations and "documents stamped as
7 'Confidential' . . . contain privileged and otherwise protected
8 information." Shukla Decl. ¶ 3. However, Plaintiffs do not
9 specify why these documents are privileged or otherwise protected.

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

22 On the current record, the Court cannot determine whether the
23 documents are sealable. Within three days of the date of this
24 Order, Plaintiffs shall file a supplemental declaration,
25 identifying with particularity the specific reason or reasons that
26 they believe support the sealing of each declaration and each
27 exhibit thereto. Plaintiffs shall also specify whether they
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1 believe these reasons support the sealing of each document in its
2 entirety or of a portion thereof.

3 IT IS SO ORDERED.

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5 Dated: 5/30/2012


6 CLAUDIA WILKEN
7 United States District Judge
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