

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 CURTIS BERRIEN, ROSE HUERTA, TINA
5 MUSHARBASH, FERN PROSNITZ, MICHAEL
6 ANDLER, MARCUS BONESS, TIMOTHY
7 BONNELL, RICHARD BUFORD, ELAINE
8 CEFOLA, KENNETH DAVIS, JEROME
9 GAROUTTE, on behalf of themselves and
10 all others similarly situated,

11 Plaintiffs,

12 v.

13 NEW RAINTREE RESORTS INTERNATIONAL,
14 LLC; RVC MEMBERS, LLC; DOUGLAS Y.
15 BECH,

16 Defendants.
17 _____/

No. C 10-3125 CW

ORDER DENYING
PLAINTIFFS' MOTION
TO SEAL
(Docket No. 64)

18 Plaintiffs Curtis Berrien, et al., move for leave to file
19 under seal portions of their reply brief and the entirety of
20 Exhibit 1 of the Declaration of Elizabeth C. Pritzker, all filed in
21 support of their motion for class certification. Defendants New
22 Raintree Resorts International, LLC, et al., designated as
23 confidential the information Plaintiffs ask the Court to seal.
24 However, Defendants have not filed a declaration in support of
25 Plaintiffs' motion to seal.

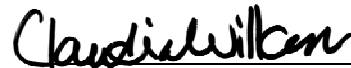
26 Because the public interest favors filing all court documents
27 in the public record, any party seeking to file a document under
28 seal must demonstrate good cause to do so. Pintos v. Pac.
Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. 2010). This cannot be
established simply by showing that the document is subject to a
protective order or by stating in general terms that the material

1 is considered to be confidential, but rather must be supported by a
2 sworn declaration demonstrating with particularity the need to file
3 each document under seal. See Civil L.R. 79-5(a). If a document
4 has been designated as confidential by another party, that party
5 must file a declaration establishing that the document is sealable.
6 Civil L.R. 79-5(d).

7 Because Defendants have failed to file a declaration as
8 required by Civil L.R. 79-5(d), Plaintiffs' motion is DENIED.
9 (Docket No. 64.) Within four days of the date of this Order,
10 Plaintiffs shall file unredacted versions of their documents in the
11 public record. Civil L.R. 79-5(e).

12 IT IS SO ORDERED.

13
14 Dated: 6/7/2011



CLAUDIA WILKEN
United States District Judge