

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

3
4 YESENIA GUITRON; and JUDI KLOSEK,

No. C 10-3461 CW

5 Plaintiffs,

ORDER GRANTING
DEFENDANTS' MOTION
TO FILE UNDER SEAL
(Docket No. 60)

6 v.

7 WELLS FARGO BANK, N.A.; WELLS
8 FARGO & CO.; PAM RUBIO; and DOES
1-20,

9 Defendants.

10 _____/

11
12 Defendants Wells Fargo Bank, N.A., Wells Fargo & Co. and Pam
13 Rubio seek to file under seal in conjunction with their motion for
14 summary judgment six documents that Plaintiffs Yesenia Guitron and
15 Judi Klosek have designated as confidential pursuant to the terms
16 of the Protective Order in this case (Docket No. 60).

17 Defendants' filings are connected to a dispositive motion.
18 If a document has been designated as confidential by another
19 party, that party must file a declaration establishing that the
20 document is sealable. Civ. Local R. 79-5(d). To establish that
21 the documents are sealable, as the designating party, Plaintiffs
22 "must overcome a strong presumption of access by showing that
23 'compelling reasons supported by specific factual findings . . .
24 outweigh the general history of access and the public policies
25 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d
26 665, 679 (9th Cir. 2010) (citation omitted). This cannot be
27
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1 established simply by showing that the document is subject to a
2 protective order or by stating in general terms that the material
3 is considered to be confidential, but rather must be supported by
4 a sworn declaration demonstrating with particularity the need to
5 file each document under seal. Civ. Local R. 79-5(a).

6 Plaintiffs have filed a declaration stating that the
7 documents that Defendants seek to file under seal are Plaintiffs'
8 personnel records that include performance reviews and records of
9 disciplinary actions taken against Plaintiffs. Peretz Decl. ¶ 3.
10 It further argues that public disclosure would violate Plaintiffs'
11 right to privacy.
12

13 Plaintiffs have provided sufficient reasons supporting the
14 sealing of these personnel records. Accordingly, Defendants'
15 motion for leave to file under seal is GRANTED (Docket No. 60).
16 Within three days of the date of this order, Defendants shall
17 electronically file these documents under seal, in accordance with
18 General Order 62.
19

20 IT IS SO ORDERED.

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22 Dated: 1/3/2012

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24 CLAUDIA WILKEN
25 United States District Judge
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