

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

3
4 YESENIA GUITRON; JUDI KLOSEK,

No. C 10-3461 CW

5 Plaintiffs,

ORDER REGARDING
DEFENDANTS'

6 v.

ADMINISTRATIVE
MOTION TO FILE

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

UNDER SEAL
(Docket No. 60)

9 Defendants.

10 _____/

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12 On November 10, 2011, Defendants Wells Fargo Bank, N.A.,
13 Wells Fargo & Co. and Pam Rubio filed a motion seeking permission
14 to file under seal six documents that Plaintiffs Yesenia Guitron
15 and Judi Klosek have designated as confidential pursuant to the
16 terms of the Protective Order in this case.

17 If a party wishes to file a document that has been designated
18 confidential by another party, the submitting party must file and
19 serve an Administrative Motion for a sealing order. Civil L.R. 79-
20 5(d). The submitting party must provide adequate notice to the
21 designating party that the submitting party is seeking to file
22 material that the designating party believes is confidential,
23 because within seven days after the administrative motion is
24 filed, the designating party must file a declaration establishing
25 that the information is sealable. Id. If the designating party
26 does not file its responsive declaration, the document or proposed
27 filing will be made part of the public record. Id.

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

13 Plaintiffs have not filed a declaration in support of
14 Defendants' motion. Accordingly, within three days of the date of
15 this order, as the party designating the material as confidential,
16 Plaintiffs shall file a declaration in support of the motion to
17 seal. The declaration must state with particularity information
18 sufficient to establish that the documents are sealable in light
19 of Local Rule 79-5 and applicable law.

20 If Plaintiffs fail to file their responsive declaration as
21 required by Local Rule 79-5(d), the documents or proposed filings
22 will be made part of the public record.

23 IT IS SO ORDERED.

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25 Dated: 11/22/2011


CLAUDIA WILKEN
United States District Judge

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