

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

3
4 ROANNE HOLMAN; NARCISCO NAVARRO
5 HERNANDEZ; MIGUEL A. ALVAREZ; and
6 all others similarly situated,

7 Plaintiffs,

8 v.

9 EXPERIAN INFORMATION SOLUTIONS,
10 INC.,

11 Defendant.

No. C 11-0180 CW

ORDER DENYING
DEFENDANT'S MOTION
TO FILE UNDER SEAL
(Docket No. 84)

12 _____/

13 Defendant Experian Information Solutions, Inc. has filed an
14 administrative motion seeking to file under seal its unredacted
15 memorandum in Opposition to Plaintiffs' Motion for Class
16 Certification and Exhibit 4 to the Declaration of Michael G.
17 Morgan in support of its Opposition. The Court notes that
18 Defendant has filed a redacted version of its memorandum in the
19 public docket. See Docket No. 85. Defendant represents that the
20 redacted portions of the memorandum discuss Exhibit 4. Defendant
21 further represents that non-party Finex Group LLC designated
22 Exhibit 4 as confidential.

23 Because the public interest favors filing all court documents
24 in the public record, any party seeking to file a document under
25 seal must demonstrate good cause to do so. Pintos v. Pac.
26 Creditors Ass'n, 565 F.3d 1106, 1115 (9th Cir. 2009). This cannot
27 be established simply by showing that the document is subject to a
28 protective order or by stating in general terms that the material
is considered to be confidential, but rather must be supported by

1 a sworn declaration demonstrating with particularity the need to
2 file each document under seal. See Civil Local Rule 79-5(a).

3 Further, if a party wishes to file a document that has been
4 designated confidential by another party, the submitting party
5 must file and serve an Administrative Motion for a sealing order.
6 Civil Local Rule 79-5(d). The submitting party must provide
7 adequate notice to the designating party that the submitting party
8 is seeking to file material that the designating party believes is
9 confidential, because within seven days after the administrative
10 motion is filed, the designating party must file a declaration
11 establishing that the information is sealable. Id. If the
12 designating party does not file its responsive declaration, the
13 document or proposed filing will be made part of the public
14 record. Id.

15 On January 9, 2012, this Court directed Defendant to serve
16 Finex, the designating party, with copies of its motion to seal
17 and the Court's order. In the Court's order, the Court warned
18 that, if party designating the material as confidential fails to
19 file its responsive declaration as required by Local Rule 79-5(d)
20 and that order, the document or proposed filing would be made part
21 of the public record.

22 Defendant has submitted proof that, on January 9, 2012, it
23 served Finex with a copy of the motion to seal and of the Court's
24 order of January 9, 2012. See Docket Nos. 94 and 95. However,
25 Finex has not filed a declaration in support of Defendant's motion
26 to seal.

27 Accordingly, the Court DENIES Defendant's motion to seal
28 (Docket No. 84). Within three days of the date of this Order,

1 Defendant may electronically file in the public record its
2 unredacted memorandum in Opposition to Plaintiffs' Motion for
3 Class Certification and Exhibit 4 to the Declaration of Michael G.
4 Morgan in support of its Opposition, or withdraw them from
5 consideration.

6 IT IS SO ORDERED.

7
8 Dated: 1/20/2012

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


CLAUDIA WILKEN
United States District Judge