

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

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13                                    Defendant Experian Information Solutions, Inc. has filed an  
14 administrative motion seeking to file under seal its unredacted  
15 memorandum in support of its Opposition to Plaintiffs' Motion for  
16 Class 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 It is not clear that Finex has been served with or otherwise  
16 notified of the motion to seal. Defendant has not attached a  
17 certificate of service showing that Finex was served with the  
18 motion to seal. Further, though Finex was previously a party to  
19 this action, the claims against Finex were dismissed with  
20 prejudice by the parties' stipulation, see Docket No. 44, and  
21 Finex no longer receives electronic notifications from the Court  
22 regarding filings in the case.

23 Defendant is ordered to file proof with the Court that it has  
24 served that Finex with a copy of the motion to seal and of this  
25 order. If Finex considers Exhibit 4 to be confidential and wishes  
26 it to be sealed, Finex may file a declaration in support of  
27 Defendant's motion to seal within seven days after the date on  
28 which Defendant serves Finex with copies of the motion to seal and

1 of this order. The declaration must state with particularity good  
2 cause to file these documents under seal in light of Local Rule  
3 79-5 and applicable law.

4 If parties designating the material as confidential fail to  
5 file their responsive declaration as required by Local Rule 79-  
6 5(d) and this order, the document or proposed filing will be made  
7 part of the public record.

8 IT IS SO ORDERED.

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Dated: 1/9/2012

  
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CLAUDIA WILKEN  
United States District Judge