

United States District Court  
For the Northern District of California

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E-FILED on 10/5/2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MOHIT NARAYAN, HANNA RAHAWI,  
THOMAS HEATH and UGO IHEONU, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

EGL, INC., a Texas Corporation; CEVA  
Freight, LLC, a Delaware Corporation, and  
DOES 2-10, inclusive,

Defendants.

No. C-05-04181 RMW

ORDER DENYING PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL EXHIBIT A TO THE  
DECLARATION OF LISA DUNGAN IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION AND PORTIONS  
OF THE MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION

[Re Docket No. 167]

On September 23, 2011, plaintiffs requested leave to file the following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d): (1) Exhibit A to the Declaration of Lisa Dungan in Support of Plaintiffs' Motion for Class Certification, with attached documents; and (2) portions of the Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Class Certification. Dkt. No. 167. Defendants have designated all of the documents in Exhibit A as confidential, and

ORDER DENYING PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL EXHIBIT A TO THE DECLARATION OF LISA DUNGAN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND PORTIONS OF THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION —No. C-05-04181 RMW  
LJP

1 portions of the Memorandum of Points and Authorities quote from documents defendants have  
2 designated confidential. However, defendants have not filed a declaration establishing that the  
3 designated information is sealable as required by Civil Local Rule 79-5(d):

4       Within 7 days [after the submitting party has filed the motion to seal], the designating  
5 party must file with the Court and serve a declaration establishing that the designated  
6 information is sealable, and must lodge and serve a narrowly tailored proposed  
7 sealing order, or must withdraw the designation of confidentiality. If the designating  
8 party does not file its responsive declaration as required by this subsection, the  
9 document or proposed filing will be made part of the public record.

10       Accordingly, plaintiffs' request to file under seal is denied. Within four days from the date of  
11 this order, plaintiffs shall file an underacted version of the subject documents in the public record.

12       *See* Civil Local Rule 79-5(e).

13 DATED:                  10/5/2011          



RONALD M. WHYTE  
United States District Judge