

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

)	Case No.: 09-CV-01376-LHK
)	
IN RE WELLS FARGO MORTGAGE-)	ORDER REGARDING REQUESTS TO
BACKED CERTIFICATES LITIGATION)	SEAL, DOCKET NUMBERS 400, 405,
)	422, 430
)	

Regarding various administrative requests to seal information pending in this matter, the Court holds as follows.

Regarding Docket Number 400: Defendants requested sealing of Exhibits 1, 2 and 3 to the Fry Declaration submitted in support of the Wells Fargo Defendants' Motion for Judgment on the Pleadings (Dkt. No. 403). Defendants also sought sealing of references to this information in the Motion (Dkt. No. 402). The Underwriter Defendants have submitted a declaration indicating that these exhibits contain confidential transaction records. These documents are therefore sealable in their entirety, and the request to seal Exhibits 1, 2 and 3 to the Fry Declaration (Dkt. No. 403) and to seal unredacted references to this information in Docket Number 402 is hereby GRANTED.

Regarding Docket Number 405: Defendants requested sealing of information designated confidential by the Plaintiffs. Specifically, Defendants requested sealing of Exhibits 6, 7, 8, 9, 14, 16, 18, 20, and 49 to the Rutten Declaration (Dkt. No. 407) submitted in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification, as well as references to this information

1 within Defendants' Opposition. Plaintiffs never submitted a follow-up declaration stating why
2 these documents are properly sealable, as required by Civil Local Rule 79-5(d). This Court issued
3 an Order directing the Plaintiffs to file any such declaration by May 31, 2011 if they wished to
4 maintain confidentiality over this information, but no declaration was filed. *See* Dkt. No. 421.
5 Accordingly, the request to seal Exhibits 6, 7, 8, 9, 14, 16, 18, 20, and 49 to the Rutten Declaration
6 (Dkt. No. 407), and references to this information in the Opposition (Dkt. No. 406) is DENIED.
7 These Exhibits shall be publicly filed and any references to these exhibits shall not be redacted
8 from the public version of Defendants' Opposition.

9 Defendants also sought sealing of documents designated confidential by third parties,
10 including portions of Exhibits 2 and all of Exhibit 30 to the Rutten Declaration (Dkt. No. 407).
11 The request to seal these documents is GRANTED.

12 Finally, Defendants sought sealing of portions of Exhibits 1 and 2 of the Rutten Declaration
13 (Dkt. No. 407), and references to this information in the Opposition (Dkt. No. 406). Defendants
14 submitted declarations indicating that these exhibits contain confidential information relating to
15 Wells Fargo's business practices, and private customer information. Accordingly, these documents
16 are properly sealable, and Defendants' request to seal Exhibits 1 and 2 of the Rutten Declaration
17 (Dkt. No. 407) and to redact references to this information in the Opposition (Dkt. No. 406) is
18 hereby GRANTED.

19 Regarding Docket Number 422: Plaintiffs requested sealing of information produced by
20 Defendants and referenced in Plaintiffs' Opposition to Defendants' Motion for Judgment on the
21 Pleadings (Dkt. No. 423). The Underwriter Defendants filed a declaration stating that Exhibit 3 to
22 the DeLange Declaration (Dkt. No. 423) is sealable because it contains confidential trading data at
23 page 110, lines 18-25. Accordingly, only this portion of Ex. 3 to the DeLange Declaration (Dkt.
24 No. 423) may be sealed. Plaintiffs shall prepare a redacted public version removing only those
25 lines of Exhibit 3 and any references to that information in their opposition. In addition, Plaintiffs
26 requested permission to seal information for which Defendants sought sealing in Docket Number
27 400. Because the Court finds that information sealable, Plaintiffs' request to redact such
28 information from Docket Number 423 is GRANTED.

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Regarding Docket Number 430: Plaintiffs requested sealing of information produced by Defendants. Defendants filed declarations indicating that the only sealable information is in Ex. 25 to the DeLange Declaration, page 110, lines 18-25. Plaintiffs shall file a redacted public version of Exhibit 25 redacting only these lines, and any reference to these lines from Plaintiff's Reply Brief (Dkt. No. 431). Because Defendants have indicated that all other documents and information submitted for sealing in Docket Number 430 do not contain confidential information, Plaintiffs' request to seal that information is DENIED.

IT IS SO ORDERED.

Dated: June 10, 2011



LUCY H. KOH
United States District Judge