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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DENNIS SHAW, individually and on behalf of himself and all others similarly situated,

Plaintiff,

v.

BAC HOME LOANS SERVICING, LP,

Defendant.

Case No. 10cv2041 BTM(NLS)
ORDER RE: MOTION TO SEAL

Plaintiff has filed a motion for an order permitting Plaintiff to file certain documents, or portions thereof, under seal. The proffered reason for filing the exhibits under seal is that they have been designated as “Confidential” by Defendant pursuant to a Protective Order.

The Supreme Court has held that there is a common law right of access to records in civil proceedings: “It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.” Nixon v. Warner Communications, Inc., 435 U.S. 589, 597 (1978). Courts are required to start “with a strong presumption in favor of access.” Hagestad v. Tragesser, 49 F.3d 1430,1434 (9th Cir. 1995).

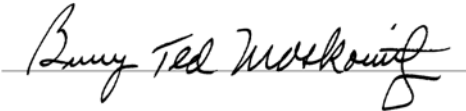
However, the presumption can be overcome by sufficiently important countervailing interests. San Jose Mercury News, Inc. v. United States Dist. Court, 187 F.3d 1096, 1102 (9th Cir. 1999). “After taking all relevant factors into consideration, the district court must

1 base its decision on a compelling reason and articulate the factual basis for its ruling, without
2 relying on hypothesis or conjecture.” Hagestad, 49 F.3d at 1434.

3 Defendant’s opinion that the exhibits are “Confidential” is not enough in and of itself
4 to justify filing the exhibit under seal. If Defendant wants the exhibits to be filed under seal,
5 Defendant must file a supplemental brief explaining why the exhibits should be sealed. The
6 supplemental brief must be filed on or before **July 29, 2011**. If Defendant wishes to file the
7 supplemental brief under seal, Defendant may make such a request but must explain why
8 such relief is necessary.

9 **IT IS SO ORDERED.**

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11 DATED: July 22, 2011

12 
13 Honorable Barry Ted Moskowitz
14 United States District Judge

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