

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**BANK OF AMERICA, N.A.,** )  
**SUCCESSOR TO LASALLE BANK** )  
**NATIONAL ASSOC.,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**FIRST MUTUAL BANCORP OF** )  
**ILLINOIS, PETHINAIDU** )  
**VELCUHAMY,** )  
 )  
**Defendants.** )

**Case No. 09 C 5108**  
  
**Judge David Coar**  
  
**Magistrate Judge Geraldine Soat Brown**

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**BANK OF AMERICA, N.A.,** )  
**SUCCESSOR TO LASALLE BANK** )  
**NATIONAL ASSOC.,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**PETHINAIDU VELUCHAMY and** )  
**PARAMESWARI VELUCHAMY,** )  
 )  
**Defendants.** )

**Case No. 09 C 5109**  
  
**Judge David Coar**  
  
**Magistrate Judge Geraldine Soat Brown**

**MEMORANDUM OPINION AND ORDER**

Pending before the court is Defendants First Mutual’s and Mr. and Mrs. Veluchamy’s Motion to Retain Certain Sealed Documents Under Seal (Defs.’ Mot. to Seal.) [09 C 5108 dkt 157; 09 C

5109 dkt 141].<sup>1</sup> Bank of America opposes the motion in substantial part. (BOA's Resp.) [09 C 5108 dkt 159; 09 C 5109 dkt 143.] The court has reviewed the parties' submissions and each of the items that the defendants seek to remain sealed on the public record, and grants defendants' motion in part. The parties shall file unredacted documents or versions of the documents redacted in accordance with the rulings set forth below by July 30, 2010.

In their motion, defendants essentially seek to have three categories of materials sealed: (1) information reflecting interactions they or Mutual Bank had with federal regulators; (2) information reflecting the identity of third-party borrowers; and (3) pursuant to the protective order, information reflecting the "confidential deliberation of parties . . . committees or board." (Defs. Mot. to Seal. at 2.) They additionally assert attorney-client privilege as a basis for sealing. Defendants have construed what may be withheld from the public record too broadly.

First, the fact that the parties stipulated and the court agreed that certain information would be marked confidential when exchanged during discovery does not necessarily mean that such information may not enter the public record when submitted to the court. *See Union Oil Co. of Calif. v. Leavell*, 220 F.3d 562, 567 (7th Cir. 2000) ("Many a litigant would prefer that the subject of the case . . . be kept from the curious . . . , but the tradition that litigation is open to the public is of very long standing."). The 2009 revisions to Northern District of Illinois Local Rule 26.2 prohibited blanket protective orders as a justification for filing documents under seal. The Rule dictates that no documents may be filed under seal "without prior order of court specifying the particular document or portion of a document that may be filed as restricted." N.D. Ill. Loc. R. 26.2,

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<sup>1</sup> Pursuant to the court's order, defendants supplemented their motion with a chart that provided line-by-line references to the material defendants seek to have sealed from the public record. [09 C 5108 dkt 161; 09 C 5109 dkt 145.]

<http://www.ilnd.uscourts.gov/home/LocalRules.aspx?rtab=localrule> (last visited July 22, 2010). The moving party must make a sufficient showing with regard to each item it seeks withheld from public scrutiny to establish that the information, once submitted to the court, should remain sealed from the public record. As the Seventh Circuit has made clear:

Secrecy is fine at the discovery stage, before the material enters the judicial record. But those documents, usually a small subset of all discovery, that influence or underpin the judicial decision are open to public inspection unless they meet the definition of trade secrets or other categories of bona fide long-term confidentiality.

*Baxter Intl., Inc., v. Abbott Labs.*, 297 F.3d 544 (7th Cir. 2002) (internal citation omitted).

The court will protect financial information about “third party borrowers,” that is, people and entities who are not parties to this case. But the defendants’ financial information is the subject of this lawsuit, including the now-dismissed counterclaims, and that is generally not protected from public disclosure.

When [litigants] call on the courts, they must accept the openness that goes with subsidized dispute resolution by public (and publicly accountable) officials. Judicial proceedings are public rather than private property, and the third-party effects that justify the subsidy of the judicial system also justify making records and decisions as open as possible. . . . Judges deliberate in private but issue public decisions after public arguments based on public records. . . . Any step that withdraws an element of the judicial process from public view makes the ensuing decision look more like fiat, which requires compelling justification.

*Union Oil Co.*, 220 F. 3d at 568 (internal citations omitted). Defendants’ financial and corporate records are relevant in this litigation, and other than pointing to the terms of the protective order, defendants have not explained why their own financial information should be sealed from the public

record.<sup>2</sup>

Likewise, the entire Board of Directors minutes are not appropriately withheld from the record. The Protective Order protected “confidential deliberations,” the disclosure of which is “likely to cause substantial harm to the producing party’s business, competitive or privacy interests.” (Prot. Order ¶ 4.) [09 C 5108 dkt 85; 09 C 5109 dkt 80.] Defendants generally argue that the minutes are confidential, but they have failed to demonstrate any particular information within the minutes that should be withheld and they have failed to identify any harm that might flow from their disclosure. This is especially questionable regarding Mutual Bank records given the bank’s demise.

Defendants also claim that certain materials reflecting “FDIC advice” or other regulator advice or information should be sealed. (Defs.’ Mot. at 3, 5.) Here too, defendants construe too broadly the scope of confidentiality afforded FDIC’s supervisory information. *See* 12 C.F.R. 261.2. “Confidential supervisory information does not include documents prepared by a supervised financial institution for its own business purposes and that are in its possession.” 12 C.F.R. 261.2(c)(2).

Further, defendants’ claim of attorney-client privilege with regard to materials involving attorney Jeffrey Horwitz is rejected. The purportedly confidential documents were produced to Bank of America in connection with defendants’ previously asserted (and now dismissed) counterclaims that alleged, among other things, that Mr. Horwitz’ firm had an undisclosed conflict of interest. The documents were not marked confidential when produced by the law firm, nor does it appear that the defendants objected to such open production. (BOA’s Resp. at 4.) The documents also were used

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<sup>2</sup> The materials at issue here were submitted as exhibits to briefs in connection with Bank of America’s Motion for Discovery Sanctions, A Protective Order and Other Relief [09 C 5108 dkt 128; 09 C 5109 dkt 113] relating to discovery about defendants’ counterclaims.

at least at some depositions in this case without defendants asserting any claim of confidentiality.

(*Id.*) Any confidentiality has been waived.

Defendants submitted the documents at issue for an *in camera* inspection of their proposed redactions. Bearing in mind this discussion and the standards set out by the Seventh Circuit in *Union Oil Co.*, 220 F.3d 562, and *Baxter*, 297 F.3d 544, the rulings on each item the defendants seek to be sealed are set forth below. Unless otherwise specified, the notation that defendant's motion is "granted," in the chart below means that motion is granted as to the redactions that were submitted for the court's review. Where applicable, the granting of the motion as to identifying information of third party-borrowers also includes identifying information of any guarantors.

<b>Dkt</b>	<b>Exhibit</b>	<b>Page</b>	<b>Ruling</b>
140 (09 C 5108) 125 (09 C 5109)	B	BOA000317	Denied.
140 (09 C 5108) 125 (09 C 5109)	B	BOA004059	Denied.
140 (09 C 5108) 125 (09 C 5109)	B	BOA004301	Denied.
140 (09 C 5108) 125 (09 C 5109)	B	BOA004312	Granted.
140 (09 C 5108) 125 (09 C 5109)	J	Dep. Page 128	Granted.
144 (09 C 5108) 129 (09 C 5109)	2	BOA002606	Granted.
144 (09 C 5108) 129 (09 C 5109)	2	BOA002625	Granted.
144 (09 C 5108) 129 (09 C 5109)	2	BOA002645	Granted.
144 (09 C 5108) 129 (09 C 5109)	2	BOA002646	Denied.
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131 (09 C 5108) 116 (09 C 5109)	3	Request No. 26	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 31	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 32	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 36	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 37	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 41	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 42	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 46	Granted.

131 (09 C 5108) 116 (09 C 5109)	3	Request No. 47	Granted
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 52	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 53	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 62	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 63	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 67	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 68	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 73	Granted.
131 (09 C 5108) 116 (09 C 5109)	3	Request No. 74	Granted.
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131 (09 C 5108) 116 (09 C 5109)	4	Request No. 16	Granted.
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131 (09 C 5108) 116 (09 C 5109)	4	Request No. 18	Granted.

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131 (09 C 5108) 116 (09 C 5109)	4	Request No. 23	Granted.
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131 (09 C 5108) 116 (09 C 5109)	5	Request No. 46	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 47	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 48	Granted.
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131 (09 C 5108) 116 (09 C 5109)	5	Request No. 54	Granted.
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131 (09 C 5108) 116 (09 C 5109)	5	Request No. 57	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 58	Granted.
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131 (09 C 5108) 116 (09 C 5109)	5	Request No. 73	Granted.
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131 (09 C 5108) 116 (09 C 5109)	5	Request No. 87	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 88	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 89	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 90	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 91	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 92	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 93	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 94	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 95	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 96	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 97	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 98	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 99	Granted.
131 (09 C 5108) 116 (09 C 5109)	5	Request No. 100	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 18	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 23	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 26	Granted.

132 (09 C 5108) 117 (09 C 5109)	6	Request No. 31	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 32	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 36	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 37	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 41	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 42	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 46	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 47	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 52	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 53	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 56	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 62	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 63	Granted.

132 (09 C 5108) 117 (09 C 5109)	6	Request No. 67	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 68	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 73	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 74	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 78	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 79	Granted.
132 (09 C 5108) 117 (09 C 5109)	6	Request No. 84	Granted.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 46	Granted as to identity of third-party borrower in lines 20 and 24.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 129	Granted as to identity of third-party borrower in lines 20 and 23.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 130	Granted as to identity of third-party borrower in lines 3, 12, 13, 19 and 20.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 131	Granted as to identity of third-party borrower in lines 5, 11 and 12.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 132	Granted as to identity of third-party borrower in lines 4, 5, 14, 16 and 22.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 139	Granted as to identity of third-party borrower in lines 19, 20 and 23.

133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 140	Granted as to identity of third-party borrower in lines 16, 17, 23 and 24.
133 (09 C 5108) 118 (09 C 5109)	9	Dep. Page 141	Granted as to identity of third-party borrower in lines 1 and 8; denied as to line 7.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 95	Granted as to identity of third-party borrower in lines 2, 3, 5, 6 and 12.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 139	Granted as to identity of third-party borrower in lines 11, 16, 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 140	Granted as to identity of third-party borrower in lines 1, 6, 7, 12, 13, 18, 19 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 141	Granted as to identity of third-party borrower in lines 1, 7, 8, 13 and 19.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 142	Granted as to identity of third-party borrower in lines 1, 2, 8, 9, 14, 15 and 20.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 143	Granted as to identity of third-party borrower in lines 2, 3, 8, 9, 14 and 15.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 144	Granted as to identity of third-party borrower in line 1.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 148	Granted as to identity of third-party borrower in lines 3, 4, 10 and 11.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 169	Granted as to identity of third-party borrower in lines 14 and 21.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 182	Granted as to identity of third-party borrower in lines 7, 8, 11 and 22.

134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 183	Granted as to identity of third-party borrower in lines 3, 4, 16, 23 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 249	Granted as to identity of third-party borrower in lines 4-6, 15, 17, 23 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 250	Granted as to identity of third-party borrower in lines 16 and 17.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 251	Granted as to identity of third-party borrower in lines 3 and 22.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 252	Granted as to identity of third-party borrower in lines 8 and 21.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 253	Granted as to identity of third-party borrower in lines 9 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 254	Granted as to identity of third-party borrower in line 1.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 260	Granted as to identity of third-party borrower in lines 17-19, 21 and 22.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 261	Granted as to identity of third-party borrower in lines 8-11, 14, 15, 22 and 23.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 262	Granted as to identity of third-party borrower in lines 10, 11, 15-17, 20 and 21.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 263	Granted as to identity of third-party borrower in lines 15-17 and 19-22.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 264	Granted as to identity of third-party borrower in lines 4, 14, 23 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 265	Granted as to identity of third-party borrower in lines 8-10 and 19-22.

134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 269	Granted as to identity of third-party borrower in line 19.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 270	Granted as to identity of third-party borrower in lines 9-11 and 19.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 271	Granted as to identity of third-party borrower in line 1.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 274	Granted as to identity of third-party borrower in lines 23 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 275	Granted as to identity of third-party borrower in lines 1, 2, 8-10, 17 and 22.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 282	Granted as to identity of third-party borrower in lines 23 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 283	Granted as to identity of third-party borrower in lines 1, 4, 5, 13, 14 and 22-24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 284	Granted as to identity of third-party borrower in lines 6 and 7.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 291	Granted as to identity of third-party borrower in lines 12, 16, 21 and 22.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 292	Granted as to identity of third-party borrower in lines 6, 7, 17, 18, 23 and 24.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 296	Granted as to identity of third-party borrower in lines 6, 11, 19 and 20.
134 (09 C 5108) 119 (09 C 5109)	10	Dep. Page 297	Granted as to identity of third-party borrower in lines 4, 5, 13 and 14.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 109	Granted as to identity of third-party borrower in lines 20 and 21.

135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 110	Granted as to identity of third-party borrower in lines 12 and 13.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 112	Granted as to identity of third-party borrower in lines 12, 16 and 17.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 113	Granted as to identity of third-party borrower in lines 8, 9, 20 and 23.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 114	Granted as to identity of third-party borrower in lines 9 and 18.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 115	Granted as to identity of third-party borrower in line 3.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 116	Granted as to identity of third-party borrower in line 23.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 117	Granted as to identity of third-party borrower in lines 8-23.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 121	Granted as to identity of third-party borrower in line 8.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 122	Granted as to identity of third-party borrower in line 20.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 124	Granted as to identity of third-party borrower in lines 5, 23 and 24.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 127	Granted as to identity of third-party borrower in lines 6, 15 and 20.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 128	Granted as to identity of third-party borrower in lines 2, 7 and 8.

135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 129	Granted as to identity of third-party borrower in lines 7-9, 15, 16, 21 and 24.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 130	Granted as to identity of third-party borrower in lines 1, 2 and 19.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 131	Granted as to identity of third-party borrower in lines 2, 3, 5 and 20.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 132	Granted as to identity of third-party borrower in line 9.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 135	Granted as to identity of third-party borrower in line 3.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 136	Granted as to identity of third-party borrower in lines 8, 9, 13, 15 and 16.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 140	Granted as to identity of third-party borrower in lines 4, 8, 12, 13 and 18.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 141	Granted as to identity of third-party borrower in lines 2, 3, 13 and 15.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 142	Granted as to identity of third-party borrower in line 17.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 143	Granted as to identity of third-party borrower in lines 14-18.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 146	Granted as to identity of third-party borrower in lines 8, 10 and 17.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 147	Granted as to identity of third-party borrower in line 2.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 150	Granted as to identity of third-party borrower in lines 21 and 22.



135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 151	Granted as to identity of third-party borrower in line 2.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 152	Granted as to identity of third-party borrower in lines 15 and 23.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 153	Granted as to identity of third-party borrower in lines 6 and 20.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 155	Granted as to identity of third-party borrower in lines 4, 21 and 22.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 159	Granted as to identity of third-party borrower in lines 16 and 21.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 160	Granted as to identity of third-party borrower in lines 4, 7 and 8.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 161	Granted as to identity of third-party borrower in lines 6, 10, 11, 14, 17 and 24.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 164	Granted as to identity of third-party borrower in line 13.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 165	Granted as to identity of third-party borrower in lines 3, 8, 9 and 15-18.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 169	Granted as to identity of third-party borrower in lines 9, 10, 12, 18 and 19.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 172	Granted as to identity of third-party borrower in lines 7, 8, 10, 16, 22.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 173	Granted as to identity of third-party borrower in lines 15, 17, 20 and 22.

135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 174	Granted as to identity of third-party borrower in lines 10 and 11.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 176	Granted as to identity of third-party borrower in lines 10 and 11.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 177	Granted as to identity of third-party borrower in lines 19 and 22.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 178	Granted as to identity of third-party borrower in line 24.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 179	Granted as to identity of third-party borrower in lines 5, 6, 8, 10 and 19.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 180	Granted as to identity of third-party borrower in lines 10 and 18.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 181	Granted as to identity of third-party borrower in lines 18, 20 and 24.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 182	Granted as to identity of third-party borrower in line 23.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 183	Granted as to identity of third-party borrower in line 8.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 184	Granted as to identity of third-party borrower in lines 1 and 2.
135 (09 C 5108) 120 (09 C 5109)	11	Dep. Page 207	Granted as to identity of third-party borrower in line 12.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008257	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008258	Granted as to identity of third-party borrower; denied as to remainder.

136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008259	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008260	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008261	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008262	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 008263	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000263	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000264	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000265	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000266	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000267	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000268	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 000269	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003614	Denied.

136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003615	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003616	Denied.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003617	Denied.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003618	Denied.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003619	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003620	Granted as to identity of third-party borrower; denied as to remainder.
136 (09 C 5108) 121 (09 C 5109)	12	First Mutual 003621	Denied.
137 (09 C 5108) 122 (09 C 5109)	13	C 000020	Denied.
137 (09 C 5108) 122 (09 C 5109)	13	C 000146	Granted as to identity of third-party borrower; denied as to remainder.
137 (09 C 5108) 122 (09 C 5109)	13	C 000659	Denied.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 141	Granted as to identity of third-party borrower in lines 9, 10 and 15.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 142	Granted as to identity of third-party borrower in lines 2, 12 and 18-21.

138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 143	Granted as to identity of third-party borrower in lines 6, 11, 18, 20 and 21.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 144	Granted as to identity of third-party borrower as to line 3; denied as to line 4.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 147	Granted as to identity of third-party borrower in lines 5 and 20.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 149	Granted as to identity of third-party borrower in lines 9 and 10.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 150	Granted as to identity of third-party borrower in lines 5, 6, 10, 22 and 23.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 154	Granted as to identity of third-party borrower in line 12.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 159	Granted as to identity of third-party borrower in lines 3, 4 and 10.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 160	Granted as to identity of third-party borrower in line 14.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 161	Granted as to identity of third-party borrower in line 11.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 179	Granted as to identity of third-party borrower in line 21.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 184	Granted as to identity of third-party borrower in lines 11, 13 and 15.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 186	Granted as to identity of third-party borrower in lines 10 and 13.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 227	Granted as to identity of third-party borrower in lines 16.

138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 232	Granted as to identity of third-party borrower in lines 9 and 11.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 233	Granted as to identity of third-party borrower in lines 4 and 5.
138 (09 C 5108) 123 (09 C 5109)	19	Dep. Page 234	Granted as to identity of third-party borrower in line 5.
146 (09 C 5108) 131 (09 C 5109)	1	FDIC000244- FDIC000247	Granted.
146 (09 C 5108) 131 (09 C 5109)	2	First Mutual 003724 -003746	Granted as to identity of third-party borrowers in First Mutual 003738, 003745 and 003746. Denied as to remainder.

### CONCLUSION

For the foregoing reasons, First Mutual's and Mr. and Mrs. Veluchamy's Motion to Retain Certain Sealed Documents Under Seal [09 C 5108 dkt 157; 09 C 5109 dkt 141] is granted in part and denied in part, as set forth herein. The parties shall file unredacted documents or versions of the documents redacted in accordance with the rulings set forth below by July 30, 2010.

**IT IS SO ORDERED.**




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**GERALDINE SOAT BROWN**  
United States Magistrate Judge

July 22, 2010