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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 IN RE BANK OF AMERICA
12 CALIFORNIA UNEMPLOYMENT
13 BENEFITS LITIGATION

Case No.: 21-md-2992-LAB-MSB

14 **ORDER:**

15 **(1) GRANTING MOTION TO**
16 **DISSOLVE PRELIMINARY**
17 **INJUNCTION, [Dkt. 225]; and**

(2) GRANTING MOTION TO
SEAL, [Dkt. 246]

18 On February 29, 2024, Defendant Bank of America, N.A. (“BOA”) filed a
19 motion to dissolve the preliminary injunction in *Yick v. Bank of America, N.A.*, No.
20 21-cv-00376-VC (N.D. Cal.), ECF No. 103 (the “PI Order”). (Dkt. 225). Plaintiffs
21 don’t oppose the motion because EDD: terminated its longstanding contract with
22 BOA, directed BOA to close cardholders’ existing EDD debit card accounts, and
23 required BOA to provide notice to each affected cardholder and inform those with
24 an existing balance as of April 30, 2024, how to recover the funds before they
25 escheat to the state. (Dkt. 248). Having considered the parties’ briefing, the Court
26 finds the motion suitable for resolution without oral argument. The hearing set for
27 April 29, 2024, at 11:30 a.m., in Courtroom 14A is **VACATED** pursuant to Civil
28 Local Rule 7.1(d)(1). The Court **GRANTS** BOA’s motion and the PI Order is

1 dissolved as follows:

2 (1) For accounts that are already closed, any ongoing notice requirements
3 are immediately dissolved.

4 (2) For all other accounts, any ongoing notice requirements are dissolved
5 as of April 5, 2024.

6 (3) All remaining provisions of the PI Order are dissolved as of June 1,
7 2024.

8 In addition, Plaintiffs filed a motion to seal certain parts of their response to
9 BOA's motion to dissolve preliminary injunction. (Dkt. 246). The motion to seal is
10 unopposed. According to Plaintiffs, they dispute BOA's confidentiality designation
11 under the parties' Protective Order. (*Id.* at 1). However, the parties haven't
12 exhausted the meet and confer process, so "Plaintiffs are filing this sealing motion
13 in accordance with the Protective Order and the Local Rules." (*Id.*).

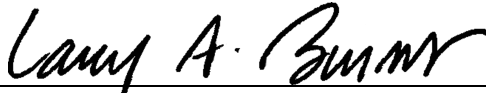
14 The public has less of a need for access to court records attached only to
15 non-dispositive motions because those documents are often "unrelated, or only
16 tangentially related, to the underlying cause of action." *Foltz v. State Farm Mut.*
17 *Auto. Ins. Co.*, 331 F.3d 1122, 1134 (9th Cir. 2003) (quoting *Phillips ex rel. Ests.*
18 *of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002)). The Ninth
19 Circuit has determined that district courts must consider "whether the motion is
20 more than tangentially related to the merits of a case" when deciding whether to
21 apply the "good cause" or "compelling reason" standard. *Ctr. for Auto Safety v.*
22 *Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016) (finding "compelling
23 reason" standard applied to the preliminary injunction motion that was more than
24 tangentially related to the merits of the case). Here, the motion to dissolve the
25 preliminary injunction isn't more than tangentially related to the merits of the case.
26 Looking specifically at the portions of Plaintiffs' response that have been redacted,
27 this information doesn't go to the merits, but rather lists the different policies and
28 practices that BOA has implemented. The Court considers Plaintiffs' motion to seal

1 under the good cause standard.

2 For good cause, the Court **GRANTS** Plaintiffs' motion to seal. *Phillips*, 307
3 F.3d at 1213 ("When a court grants a protective order for information produced
4 during discovery, it already has determined that 'good cause' exists to protect this
5 information from being disclosed to the public by balancing the needs for discovery
6 against the need for confidentiality."). The Clerk is directed to file under seal the
7 proposed document currently sealed lodged with the Court. (Dkt. 247).

8 **IT IS SO ORDERED.**

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10 Dated: April 3, 2024

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13 Honorable Larry Alan Burns
14 United States District Judge
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