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

13 **IN RE BANK OF AMERICA**
14 **CALIFORNIA UNEMPLOYMENT**
15 **BENEFITS LITIGATION**

16
17 This Document Relates to All Actions

Case No. 3:21-md-02992-GPC-MSB

**MOTION TO FILE DOCUMENTS
UNDER SEAL**

Judge: Hon. Gonzalo P. Curiel

MOTION TO FILE DOCUMENTS UNDER SEAL

Pursuant to Local Rule 79.2 and Section 12.5 of the Stipulated Protective Order (ECF 82) in this case and the Court’s Civil Pretrial & Trial Procedures, Plaintiffs move to file under seal portions of Plaintiffs’ Reply in Support of Plaintiffs’ Objections to and Motion to Reverse in Part Magistrate Judge’s April 24, 2024 Discovery Order that reference material designated by Defendant Bank of America as “Confidential” pursuant to the Protective Order.

Because Plaintiffs’ Reply references and quotes from material the Bank has designated confidential pursuant to the Protective Order, Plaintiffs are required to file this motion to seal, and Plaintiffs have tailored their request to seal only such information that the Bank has so designated. However, Plaintiffs dispute the Bank’s confidentiality designations and do not believe there is sufficient “good cause” to file this information under seal and to overcome the “strong presumption in favor of access” to court documents. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178, 1180, 1185-87 (9th Cir. 2006); Civil Pretrial & Trial Procedures at 4-5. Indeed, the Bank has never sought to file under seal its *own* briefs referencing or quoting from documents it has designated confidential, *see* ECF 209, 214, 287, nor has it ever submitted a declaration in support of Plaintiffs’ required sealing motions purporting to explain and substantiate the interests that warrant sealing, the injury that will result if sealing is denied, or why a less restrictive alternative to sealing is not sufficient, *cf.* ECF 210, 246. Plaintiffs respectfully submit that this motion should be denied.

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1 Dated: June 7, 2024

COTCHETT, PITRE & McCARTHY, LLP

2 By: /s/ Brian Danitz

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6 Dated: June 7, 2024

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