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Co-Lead Counsel for Plaintiffs and the Proposed Class

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

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

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

**MOTION TO FILE DOCUMENTS
UNDER SEAL**

Judge: Hon. Gonzalo P. Curiel
Crm: 2D (2nd Floor)

This Document Relates to All Actions

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 the [Corrected] Index of Exhibits to Declaration of Connie K. Chan in Support of Plaintiffs’ Motion for Class Certification and [Corrected] Exhibits 14-16, and 107.

Plaintiffs have tailored their request to seal only such information that the Bank has designated as confidential (highlighted in **yellow**) or highly confidential (highlighted in **green**) pursuant to the Protective Order. However, Plaintiffs dispute the Bank’s confidentiality designations and do not believe there are “compelling reasons” to file these documents 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); *Nia v. Bank of America*, 21-cv-1799, 2024 WL 171659, at *3 (S.D. Cal. Jan. 12, 2024) (denying Bank of America’s motion to seal a group of investigation policy documents and rejecting the Bank’s assertions that the policy documents were “highly sensitive trade secrets” that would “allow illicit actors to circumvent” Bank security measures); Civil Pretrial & Trial Procedures at 4-5. Plaintiffs have initiated the meet and confer process for challenging the Bank’s designations under the Protective Order, but because that process has not yet been completed, Plaintiffs are filing this sealing motion in accordance with the Protective Order and the Local Rules.

Respectfully submitted,

Dated: September 13, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
JOSEPH W. COTCHETT
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KARIN B. SWOPE
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*Co-Lead Counsel for Plaintiffs and the
Proposed Class*

1
2 Dated: September 13, 2024

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3 By: /s/ Michael Rubin
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SIGNATURE ATTESTATION

Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Brian Danitz, attest that the other signatories listed, and on whose behalf this filing is submitted, concur in the filing content and have authorized this filing.

Dated: September 13, 2024

/s/ Brian Danitz

Brian Danitz