

1 JOSEPH W. COTCHETT (SBN 36324)

2 jcotchett@cpmlegal.com

3 BRIAN DANITZ (SBN 247403)

4 bdanitz@cpmlegal.com

5 KARIN B. SWOPE (Pro Hac Vice)

6 kswope@cpmlegal.com

7 VASTI S. MONTIEL (SBN 346409)

8 vmontiel@cpmlegal.com

9 CAROLINE A. YUEN (SBN 354388)

10 cyuen@cpmlegal.com

11 **COTCHETT, PITRE & McCARTHY, LLP**

12 840 Malcolm Road, Suite 200

13 Burlingame, CA 94010

14 Telephone: (650) 697-6000

15 Fax: (650) 697-0577

MICHAEL RUBIN (SBN 80618)

mrubin@altber.com

STACEY M. LEYTON (SBN 203827)

sleyton@altber.com

CONNIE K. CHAN (SBN 284230)

cchan@altber.com

COLIN C. JONES (SBN 354301)

cjones@altber.com

CAROLINE HUNSICKER (SBN 356917)

chunsicker@altber.com

ALTSHULER BERZON LLP

177 Post Street, Suite 300

San Francisco, CA 94108

Telephone: (415) 421-7151

Fax: (415) 362-8064

Co-Lead Counsel for Plaintiffs and the 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

Ctrm: 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: (1) Exhibits 1 through 6 to the Declaration of Connie K. Chan in Support of Plaintiffs’ Memorandum of Points and Authorities in Opposition to Defendant’s Motion to Stay Pending Resolution of Rule 23(f) Petition (“Stay Opposition”), which contain deposition testimony that Defendant Bank of America, N.A. (the “Bank”) has designated as “Confidential” pursuant to the Protective Order; and (2) portions of Plaintiffs’ Stay Opposition that quote from those exhibits.

Plaintiffs have narrowly tailored their request to seal only such information that the Bank has designated as confidential (highlighted in yellow).

Courts have recognized a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits, like motions to stay, may be sealed upon a lesser showing of “good cause.” *Id.* at 1097; *Omnitracs v. Platform Sci., Inc.*, 2021 WL 857005 at *6 (S.D. Cal. Mar. 8, 2021) (holding that a motion to stay “is a non-dispositive motion”).

Plaintiffs met and conferred with Defendant on July 24 and 25, 2025 and requested that the Bank de-designate the following excerpts of Bank employee deposition testimony on the grounds that they do not contain confidential or sensitive information warranting protection under the Stipulated Protective Order, and no good cause exists to file them under seal:

- Ex. 1, Paul Simpson Deposition Transcript (“Simpson Tr.”) at 12:10-17, 64:12-15, 101:22-102:1, 106:4-5

- Ex. 2, Faiz Ahmad Deposition Transcript (“Ahmad Tr.”) at 366:11-15, 366:16-20
- Ex. 3, William Fox Deposition Transcript (“Fox Tr.”) at 71:5-8
- Ex. 4, Bradley Garfield Deposition Transcript (“Garfield Tr.”) at 223:4-8
- Ex. 5, Anne Holt Deposition Transcript (“Holt Tr.”) at 108:23-24, 217:8-10
- Ex. 6, Renee Johnson Deposition Transcript (“Johnson Tr.”) at 43:15-18

Decl. of Connie K. Chan in Support of Sealing Motion ¶2. In response, the Bank agreed to de-designate only Simpson Tr. 12:10-17, and stated that the Bank continues to assert confidentiality as to the remaining excerpts. *Id.* ¶3.

Plaintiffs dispute the Bank’s confidentiality designations as to the identified deposition transcript excerpts and believe there is no good cause to seal the excerpts as quoted in Plaintiffs’ Stay Opposition because, on their own, they do not disclose any “confidential business information,” and disclosure of their contents is necessary to enable the public to understand the basis for Plaintiffs’ arguments. Nevertheless, Plaintiffs are filing this motion to seal in accordance with the Protective Order and the Local Rules.

Respectfully submitted,

Dated: July 25, 2025

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
VASTI S. MONTIEL
CAROLINE A. YUEN

Co-Lead Counsel for Plaintiffs and the Class

Dated: July 25, 2025

ALTSHULER BERZON LLP

By: /s/ Michael Rubin
MICHAEL RUBIN
STACEY M. LEYTON
CONNIE K. CHAN
COLIN C. JONES

CAROLINE HUNSICKER

Co-Lead Counsel for Plaintiffs and the Class

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE ATTESTATION

Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Michael Rubin, 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: July 25, 2025

/s/ Michael Rubin

Michael Rubin