

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALICIA MARSHALL, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

PRESTAMOS CDFI, LLC,

Defendant.

Civil Action No. 5:21-cv-04337-JMG

**PRESTAMOS CDFI, LLC’S MEMORANDUM OF LAW IN SUPPORT OF MOTION
FOR LEAVE TO FILE PORTIONS OF APPENDIX IN SUPPORT OF OPPOSITION
TO PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION UNDER SEAL**

Prestamos CDFI, LLC (“Prestamos”), through its undersigned counsel, respectfully submits this Memorandum of Law in Support of its Motion for Leave to File Portions of its Appendix in Support of its Opposition to Plaintiffs’ Motion for Class Certification under Seal (the “Motion for Leave to File under Seal”).

BACKGROUND

On January 18, 2022, the Court granted Prestamos’s and Plaintiffs’ Joint Motion for Entry of Confidentiality Agreement and Protective Order (the “Protective Order”). Dkt. 20 (entering Protective Order). The Protective Order, *inter alia*, recognized that certain discovery material would contain Confidential or Highly Confidential information, defined the types of information that would constitute Confidential or Highly Confidential information, and provided appropriate protections against the public disclosure of such Confidential or Highly Confidential information. *See* Dkt. 19-2.

On September 6, 2024, Plaintiffs’ filed a Motion for Class Certification along with an Appendix in Support of their Motion for Class Certification. Dkt. 139; Dkt. 139-1. Prestamos’s

Opposition to Plaintiffs’ Motion for Class Certification (the “Opposition”), which is being filed concurrently herewith, identifies and explains the reasons why Plaintiffs do not satisfy the requirements for class certification set forth in Federal Rule of Civil Procedure 23. Prestamos’s Opposition is supported by an Appendix (the “Appendix”) providing factual support for the legal arguments set forth in Prestamos’s Opposition. The Appendix contains certain documents and information that has been designated as Confidential and/or Highly Confidential, or that otherwise contains sensitive, personal information pertaining to the class representatives and putative class members. These documents and information include tax documents, bank records, and other sensitive personal financial information, as well as deposition testimony and expert reports concerning the same.

ARGUMENT

The Court should grant Prestamos’s Motion for Leave to File under Seal because good cause exists to prevent disclosure of the confidential documents and information contained in the Appendix to the public.

Local Civil Rule 5.1.5. provides that a document in a civil action may be filed under seal if “the Court orders the document sealed.” Documents may be filed under seal where “good cause” is shown. *Glenmede Trust Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir. 1995); *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 784 (3d Cir. 1994). The Court of Appeals for the Third Circuit:

set[s] forth various factors – which are neither mandatory nor exhaustive – that courts may consider when determining whether good cause exists and, by extension whether a protective order should issue (1) whether disclosure will violate any privacy interests; (2) whether the information is being sought for a legitimate purpose or an improper purpose; (3) whether disclosure of the information will cause a party embarrassment; (4) whether confidentiality is being sought over information important to public health and safety; (5) whether the sharing of information among litigants will promote fairness and efficiency; (6) whether a

party benefitting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public.

In re Avandia Mktg., 924 F.3d 662, 671-72 (3d 2019) (citing *Glenmede Trust Co.*, 56 F.3d at 483). The Court's Policies and Procedures Section I.D. refers to and incorporates these same requirements and standards.

Application of these factors to this case demonstrates that good cause exists for filing the unredacted version of the Appendix under seal. The Appendix contains or otherwise references documents and information that has been designated as Confidential or Highly Confidential under the Protective Order. Public disclosure of tax documents, bank records, and other sensitive personal financial information that was provided in the regular course of business under an expectation of privacy, or that was produced in this action under the confidentiality protectives of the Protective Order, would violate the privacy interests of the individuals and entities referenced therein and has the potential to cause embarrassment. None of these documents or information concern public health or safety. None of the parties benefitting from confidential treatment of these documents and information is a public entity or official. And, although the case involves issues important to the public, the public has no interest in the sensitive personal information for which confidential treatment is being sought.

Nearly all the information contained in tax documents and bank records will be redacted is highly confidential protectable from public disclosure, rendering the documents unreadable in redacted form.

CONCLUSION

For the reasons set forth above, Prestamos respectfully requests that the Court grant its Motion for Leave to File under Seal and allow Prestamos to file the unredacted version of the Appendix under seal.

Dated: October 4, 2024

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By: /s/ Marcel S. Pratt

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CERTIFICATE OF SERVICE

I, Thomas J. Gallagher IV, hereby certify that on this 4th day of October, 2024, I caused a copy of the foregoing Memorandum of Law in Support of Motion for Leave to File Portions of Appendix in Support of Opposition to Plaintiffs' Motion for Class Certification under Seal and accompanying papers to be served on all counsel of record via the Court's ECF system.

/s/ Thomas J. Gallagher IV

Thomas J. Gallagher IV