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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**

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

MOTION TO FILE DOCUMENTS
UNDER SEAL

16
17 This Document Relates to All Actions

Judge: Hon. Larry Alan Burns

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, Plaintiffs move to file under seal (1) portions of Plaintiffs' Opening Brief in Support of Motion to Compel Additional ESI Custodians that reference material designated by Defendant Bank of America as "Confidential" pursuant to the Protective Order; (2) portions of the Index of Exhibits to the Declaration of Connie K. Chan in Support of Plaintiffs' Motion to Compel Additional ESI Custodians ("Chan Decl.") that reference material designated by Defendant as "Confidential"; and (3) Exhibits 1-18 and 20 to the Chan Declaration, which the Bank has designated "Confidential."

Plaintiffs have narrowly tailored their request to seal only such information that the Bank has designated as confidential pursuant to the Protective Order. However, Plaintiffs dispute the Bank's confidentiality designations and do not believe there is sufficient "good cause" to file any of 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). Plaintiffs requested that the Bank de-designate the underlying materials associated with Plaintiffs' Motion to Compel, but the Bank declined. Plaintiffs have initiated the meet and confer process for challenging designations under the Protective Order, but because that process has not yet been exhausted, Plaintiffs are filing this sealing motion in accordance with the Protective Order and the Local Rules.

1 Dated: January 23, 2024

COTCHETT, PITRE & McCARTHY, LLP

2 By: /s/ Brian Danitz

3 JOSEPH W. COTCHETT

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KARIN B. SWOPE

ANDREW F. KIRTLEY

5 Dated: January 23, 2024

ALTSHULER BERZON LLP

6 By: /s/ Connie K. Chan

7 MICHAEL RUBIN

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