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

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

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

**MOTION TO FILE DOCUMENTS
UNDER SEAL**

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18 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 portions of Plaintiffs' Response to Motion to Dissolve Preliminary Injunction that reference material designated by Defendant Bank of America as "Confidential" pursuant to the Protective Order.

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 because there is no "compelling reason" to file these documents under seal and to overcome the "strong presumption in favor of access" to court documents. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096, 1101 (9th Cir. 2016) (holding that a "compelling reason" is required to seal a motion that "is more than tangentially related to the merits of case," such as a motion for preliminary injunction). The purportedly confidential material, relating to the Bank's actions to comply with the preliminary injunction, has no potential to "gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Plaintiffs will challenge the Bank's designations under the Protective Order, but because that meet and confer process has not yet been exhausted, Plaintiffs are filing this sealing motion in accordance with the Protective Order and the Local Rules.

1 Dated: March 26, 2024

COTCHETT, PITRE & McCARTHY, LLP

2 By: */s/ Brian Danitz* _____

3 JOSEPH W. COTCHETT

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KARIN B. SWOPE

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5 Dated: March 26, 2024

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6 By: */s/ Michael Rubin* _____

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of this Court's Electronic Case Filing Administrative Policies and Procedures Manual, I, Michael Rubin, hereby certify that the content of this document is acceptable to all the signatories herein and that I have obtained counsel's authorization to affix their electronic signatures to this document.

/s/ Michael Rubin

MICHAEL RUBIN