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**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 RE: PLAINTIFFS'
OPPOSITION TO MOTION TO STAY
LITIGATION**

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 portions of Plaintiffs’ Opposition to Defendant’s Motion to Stay Litigation (“Opposition”). Plaintiffs tailored this motion pursuant to the Court’s Order granting in part and denying in part Motions to Seal materials relating to Plaintiffs’ Motion for Class Certification (ECF 365), and the Court’s Order Granting Unopposed Motion to Seal Portions of the Class Certification Hearing Transcript (ECF 421). Portions of documents lodged provisionally under seal are highlighted yellow.

Although there is a strong presumption in favor of public access to court records, *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978), the public has a reduced interest in accessing non-dispositive motions that are “unrelated, or only tangentially related, to the underlying cause of action,” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). Because a motion to stay litigation is a non-dispositive motion that is only tangentially related to the merits of the case, parties must show only “good cause” to justify sealing. *Omnitracs, LLC v. Platform Sci., Inc.*, No. 20-cv-0958, 2021 WL 857005, at *2 (S.D. Cal. Mar. 8, 2021); *see also, Provide Com., Inc. v. Hartford Fire Ins. Co.*, No. 12-cv-0516, 2014 WL 1877438, at *2 (S.D. Cal. May 9, 2014).

Plaintiffs seek to seal only those portions of their Opposition that quote or convey information from the transcript of the January 17, 2025 hearing on class certification that the Bank has designated as confidential and that the Court has ordered sealed. The Court previously held that “compelling reasons exist to seal” these portions of the transcript. *See* ECF 421; Defendant’s Unopposed Motion to Seal Portions of Class Certification Hearing Transcript (ECF 418); Defendant’s Proposed Redactions Sought to be Filed Partially Under Seal (ECF 419-A). For the reasons set forth in the Court’s prior sealing orders and the declarations submitted in support of those motions to seal (ECF Nos. 344-1, 344-2,

344-3, 347-1, 347-2), Plaintiffs request that the Court seal portions of Plaintiffs' Opposition.

Respectfully submitted,

Dated: February 21, 2025

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz

JOSEPH W. COTCHETT

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KARIN B. SWOPE

VASTI S. MONTIEL

Dated: February 21, 2025

ALTSHULER BERZON LLP

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, 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: February 21, 2025

/s/ Michael Rubin

Michael Rubin