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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

**PLAINTIFFS' MOTION TO FILE
DOCUMENTS UNDER SEAL IN
SUPPORT OF OPPOSITION TO
DEFENDANT'S MOTION TO
RECONSIDER MAY 29, 2025 ORDER
GRANTING IN PART AND DENYING
IN PART DEFENDANT'S MOTION
FOR PROTECTIVE ORDER**

This Document Relates to All Actions

Crtm: 12A – 12th Floor
Judge: Hon. Gonzalo P. Curiel
Date: September 16, 2025
Time: 1:30 P.M.

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 documents under seal in connection with Plaintiffs’ Opposition (the “Opposition”) to Defendant’s Motion to Reconsider May 29, 2025 Order Granting in Part and Denying in Part Defendant’s Motion for Protective Order (the “Motion”). In particular, Plaintiffs seek to seal portions of the Opposition which refer to, or quote material that has already been ordered sealed by the Court, including the Court’s Order on Class Certification (ECF 499), and references to exhibits attached to the Declaration of Brian Danitz in support of Plaintiffs’ Opposition to Defendant’s Motion for Protective Order (ECF 469). Plaintiffs tailored this motion pursuant to the prior Court’s Orders on the parties’ motions to seal in this case. 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 for a protective order 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. *See, e.g., BAE Sys. San Diego Ship Repair Inc. v. United States*, 670 F. Supp. 3d 1064, 1069 (S.D. Cal. 2023) (good cause found to seal exhibits containing confidential information filed in connection with apex discovery dispute).

The Opposition quotes the Court’s Order on Class Certification, which references exhibits and deposition testimony regarding confidential business information, including Bank fraud detection and prevention strategies, and internal Bank executive discussions. *See E.W. Bank v. Shanker*, 2021 WL 3112452, at *18–19 (N.D. Cal. July 22, 2021) (finding compelling reasons to seal fraud prevention measures); *Stiner v. Brookdale Senior Living, Inc.*, 2022 WL 1180216, at *2 (N.D. Cal. Mar. 30, 2022). The Court has previously granted motions to seal documents containing such information. ECF 266, 293, 365, 381, 390,

391, 397, 421, 431, 466, 477, 498, 507, 516; *See Lundstrom v. Young*, 2022 WL 15524624, at *17 (S.D. Cal. Oct. 27, 2022) (J. Curiel) (prior sealed documents considered when evaluating new motion to seal).

Accordingly, Plaintiffs request that the Court seal the indicated portions of the Opposition.

Respectfully submitted,

Dated: July 25, 2025

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
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Dated: July 25, 2025

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SIGNATURE ATTESTATION

Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Brian Danitz, 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/ Brian Danitz

Brian Danitz