

1 JOSEPH W. COTCHETT (SBN 36324)

2 jcotchett@cpmlegal.com

3 BRIAN DANITZ (SBN 247403)

4 bdanitz@cpmlegal.com

5 KARIN B. SWOPE (Pro Hac Vice)

6 kswope@cpmlegal.com

7 VASTI S. MONTIEL (SBN 346409)

8 vmontiel@cpmlegal.com

9 CAROLINE A. YUEN (SBN 354388)

10 cyuen@cpmlegal.com

11 **COTCHETT, PITRE & McCARTHY, LLP**

12 840 Malcolm Road, Suite 200

13 Burlingame, CA 94010

14 Telephone: (650) 697-6000

15 Fax: (650) 697-0577

MICHAEL RUBIN (SBN 80618)

mrubin@altber.com

STACEY M. LEYTON (SBN 203827)

sleyton@altber.com

CONNIE K. CHAN (SBN 284230)

cchan@altber.com

JAMES BALTZER (SBN 332232)

jbaltzer@altber.com

KATHERINE BASS (SBN 344748)

kbass@altber.com

ALTSHULER BERZON LLP

177 Post Street, Suite 300

San Francisco, CA 94108

Telephone: (415) 421-7151

Fax: (415) 362-8064

Co-Lead Counsel for Plaintiffs and the Class

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

**REVISED MOTION TO FILE
DOCUMENTS UNDER SEAL RE:
PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

This Document Relates to All Actions

Date: April 17, 2026

Time: 1:30 p.m.

Judge: Hon. Gonzalo P. Curiel

Ctrm: 2D (2nd Floor)

REVISED MOTION TO FILE DOCUMENTS UNDER SEAL

Pursuant to the Court’s Order Granting the Parties’ Joint Motion to Withdraw Filed Documents ECF 633, 633-1, 633-2 (ECF 649), Plaintiffs respectfully submit this Revised Motion to Seal, in addition to the Motion to Seal previously filed at ECF 630. 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, and the Parties’ various meet and confer exchanges regarding what additional material to provisionally redact and to ask the Court to seal based on Defendant’s assertions of confidentiality, Plaintiffs move to file under seal (1) portions of Plaintiffs’ Opposition to Defendant’s Motion for Partial Summary Judgment (“MPSJ Opposition”); (2) portions of Plaintiffs’ Response to Defendant Bank of America, N.A. (the “Bank”) Separate Statement; and (3) portions of Plaintiffs’ Additional Statement of Facts in Opposition to MPSJ.

Plaintiffs tailored this motion pursuant to the guidance provided by 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 in compliance with the Stipulated Protective Order in this case and the Parties’ various meet and confer exchanges regarding what additional material to provisionally redact and to ask the Court to seal based on Defendant’s assertions of confidentiality. Portions of documents lodged provisionally under seal designated Confidential are highlighted yellow, and those designated Highly Confidential are highlighted green.

I. LEGAL STANDARD

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) (“[T]he courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.” (cleaned up)); *see also Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (“Unless a particular court record is one ‘traditionally kept secret,’ a ‘strong presumption in favor of access’ is the starting point.”). The party seeking to seal a court record has the burden of “articulat[ing] compelling reasons [to seal a

document] supported by specific factual findings . . . that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process.” *Kamakana*, 447 F.3d at 1178-79 (cleaned up). “In general, ‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana*, 447 F.3d at 1178-79, citing *Nixon*, 435 U.S. at 598. “[T]he strong presumption of access to judicial records applies fully to dispositive pleadings, including motions for summary judgment and related attachments.” *Kamakana*, 447 F.3d at 1179.

II. SENSITIVE BANK INFORMATION

Plaintiffs seek to seal portions of their (1) Opposition to Defendant’s Motion for Partial Summary Judgment (“MPSJ Opposition”); (2) Response to Defendant Bank of America, N.A. (the “Bank”) Separate Statement; and (3) Additional Statement of Facts in Opposition to MPSJ. These materials contain information the Bank designated as Confidential and/or Highly Confidential, including material that reflect or analyze the risk of future fraud to the Bank, pertain to internal analyses of fraud detection strategies, risk competitor disadvantage to the Bank, refer to testimony by Rule 30(b)(6) witnesses that the Bank has designated Confidential or Highly Confidential, contain deposition testimony that the Bank has designated as “Confidential” pursuant to the Protective Order, and refer to materials designated “Highly Confidential-Attorneys’ Eyes Only” by the Consumer Finance Protection Board (“CFPB”) and Office of the Comptroller of Currency (“OCC”). This Court has previously found compelling reasons to limit public access to such documents because their disclosure could lead to the use of this information for an improper purpose, such as future fraud, that poses harm not only to the Bank but also to the public. See ECF 365, 381; *See, also., Xifin, Inc. v. Sunshine Pathways, LLC*, 2016 WL 5930313, at *3 (S.D. Cal. Oct. 12, 2016) (J. Curiel) (finding compelling reasons to seal services agreement that contained detailed information about pricing structure, nature of

services, system security requirements, and how to use the cloud-based billing system “that could expose Plaintiff to a competitive disadvantage if revealed”); *Brady v. Grendene USA, Inc.*, 2015 WL 6828400, at *3 (S.D. Cal. Nov. 6, 2015) (J. Curiel) (sealing confidential business information that might harm the litigants’ competitive standing including profit and loss data and contractual agreements).

III. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant Plaintiffs’ Revised Motion to Seal Documents Filed In Support of their Opposition to Defendant’s Motion for Partial Summary Judgment.

Respectfully submitted,

Dated: February 3, 2026

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
BLAIR V. KITTLE
VASTI S. MONTIEL
CAROLINE A. YUEN
REGINA WANG

Dated: February 3, 2026

ALTSHULER BERZON LLP

By: /s/ Michael Rubin
MICHAEL RUBIN
STACEY M. LEYTON
CONNIE K. CHAN
JAMES BALTZER
KATHERINE BASS

*Co-Lead Counsel for Plaintiffs and
the Class*

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: February 3, 2026

/s/ Brian Danitz

BRIAN DANITZ