

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Bernstein v. Banco Popular North America

Bernstein · No. 25-cv-02204-BLF · Decided June 6, 2025

OPINION

Bernstein v. Banco Popular North America

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 SAN JOSE DIVISION

6 7 JOHN L. BERNSTEIN, et al., Case No. 25-cv-02204-BLF 8 Plaintiffs,

ORDER GRANTING PLAINTIFFS’

9 v. ADMINISTRATIVE MOTION TO FILE

UNDER SEAL

10 BANCO POPULAR NORTH AMERICA,

et al., [Re: ECF No. 65] 11 Defendants. 12 13 Before the Court is Plaintiffs’ Administrative
Motion to File Under Seal filed in connection 14 with their motion to extend deadlines. ECF 65.
Defendants did not submit any response to Plaintiff’s 15 motions. Having reviewed Plaintiffs’
submissions and applicable sealing law, the Court GRANTS 16 Plaintiff’s requests to seal.

17 I. LEGAL STANDARD

18 “Historically, courts have recognized a ‘general right to inspect and copy public records and 19
documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*,
20 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589,
597 21 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than
22 tangentially related to the merits of a case” may be sealed only upon a showing of “compelling
23 reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th
Cir. 24 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser
showing 25 of “good cause.” *Id.* at 1097. In addition, in this district, all parties requesting sealing
must comply 26 with Civil Local Rule 79-5. That rule requires, inter alia, the moving party to
provide “the reasons 27 for keeping a document under seal, including an explanation of: (i) the
legitimate private or public 1 restrictive alternative to sealing is not sufficient.” Civ. L.R. 79-5(c)
(1). Further, Civil Local Rule 2 79-5 requires the moving party to provide “evidentiary support
from declarations where necessary.” 3 Civ. L.R. 79- 5(c)(2). And the proposed order must be
“narrowly tailored to seal only the sealable 4 material.” Civ. L.R. 79-5(c)(3). 5 Further, when a

party seeks to seal a document because it has been designated as confidential 6 by another party, the filing party must file an Administrative Motion to Consider Whether Another 7 Party's Material Should be Sealed. Civ. L.R. 79-5(f). In that case, the filing party need not satisfy 8 the requirements of subsection (c)(1). Civ. L.R. 79-5(f)(1). Instead, the party who designated the 9 material as confidential must, within seven days of the motion's filing, file a statement and/or 10 declaration that meets the requirements of subsection (c)(1). Civ. L.R. 79-5(f)(3). A designating 11 party's failure to file a statement or declaration may result in the unsealing of the provisionally 12 sealed document without further notice to the designating party. Id. Any party can file a response to 13 that declaration within four days. Civ. L.R. 79-5(f)(4).

14 II. DISCUSSION

15 Because the motion to seal pertains to a motion for relief from a pretrial schedule, the Court 16 will apply the "good cause" standard. See *Malig as Tr. for Malig Fam. Tr. v. Lyft, Inc.*, No. 19-CV-17 02690, 2022 WL 1143360, at *1 (N.D. Cal. Mar. 31, 2022). 18 The material under consideration for sealing concerns health information that Plaintiffs have 19 deemed confidential. See ECF 65. The Court finds that Plaintiffs have established compelling 20 reasons to seal information that would reveal confidential information about their health. See 21 *California Spine & Neurosurgery Inst. v. United Healthcare Ins. Co.*, No. 19-CV-02417-LHK, 2021 22 WL 1146216, at *3 (N.D. Cal. Feb. 12, 2021) (finding compelling reasons to seal personal health 23 information of patients). Additionally, the Court finds Plaintiffs' sealing requests to be narrowly 24 tailored so that there is no less restrictive alternative to redacting the information at issue. 25 Accordingly, the Court GRANTS Plaintiff's requests to file under seal the exhibits at ECF 26 65. 27 //

I. ORDER

For the foregoing reasons, the Court ORDERS the exhibits filed at ECF 65 to remain under 2 seal. 3 4 Dated: June 6, 2025

6 ETH LABSON FREEMAN

5 United States District Judge 8 9 10 11 a 12 © 15 16 it Z 18 19 20 21 22 23 24 25 26 27 28