

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re: Bank of America Home Affordable
Modification Program (HAMP) Contract
Litigation

No. 1:10-md-02193

DEFENDANTS' MOTION TO FILE DOCUMENTS UNDER SEAL

Defendant Bank of America, N.A. as successor by merger to BAC Home Loans Servicing L.P., ("Bank of America"), hereby submit this Motion under Local Rule 7.2 and the Stipulated Protective Order ("Protective Order") filed in this matter on May 16, 2011 [Docket No. 56].

Pursuant to the Protective Order, "[i]n the event that any Confidential Information is included with, or the contents thereof are in any way disclosed, in any pleading, motion, or other paper filed with the Clerk of this Court, the filing party shall move to have such pleading, motion or other paper impounded by the Clerk pursuant to the terms and requirements of Local Rule 7.2." Protective Order ¶ 7. Defendant Bank of America, hereby requests permission to impound and file under seal (i) an unredacted version of Defendant Bank of America's Opposition to Plaintiffs' Motion to Compel which contains references to Bank of America's internal confidential business practices; (ii) various Declarations by Bank of America employees which contains references to Bank of America's internal confidential business practices; and (iii) certain confidential exhibits cited in the Opposition to Plaintiffs' Motion to Compel and attached by Declaration which contain references to Bank of America's internal confidential business practices.

In support of this Motion, Defendant Bank of America states the following:

1. Each of the foregoing documents contains excerpts and/or references to material designated "Confidential" by Bank of America and/or contain references to Bank of America's internal confidential business practices.

2. The order requested herein can be lifted on the earliest of agreement of the parties, further order of the court consistent with the procedures set out in the Consent Protective Order, or upon return of the materials to the parties at the close of the case.

3. The requested impoundment should continue until sixty (60) days after entry of final judgment herein. Thereafter, the materials should be returned to Defendants' counsel, who shall retain them, subject to further order of the Court, for thirty (30) days after the final termination of this litigation, including any applicable appeal period.

WHEREFORE, Defendant Bank of America respectfully requests that the Court grant its Motion to file the above-referenced documents under seal.

Dated: August 20, 2012	Respectfully submitted, Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, L.P., By their attorneys, <u>/s/ James W. McGarry</u> James W. McGarry (BBO #633726) jmcgarry@goodwinprocter.com GOODWIN PROCTER LLP Exchange Place 53 State Street Boston, Massachusetts 02109 Tel.: 617.570.1000 Fax: 617.523.1231
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LOCAL RULE 7.1(A)(2) CERTIFICATION

I, James W. McGarry, hereby certify that undersigned counsel attempted to confer with Plaintiffs for the relief sought herein, but did not receive a response in advance of the filing of this Motion.

/s/ James W. McGarry

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 20, 2012.

/s/ James W. McGarry