

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BANK OF AMERICA HOME
AFFORDABLE MODIFICATION
PROGRAM (HAMP) CONTRACT
LITIGATION

MDL No. 2193

**Centralized before the
Honorable Rya W. Zobel**

This Document Relates To:

ALL ACTIONS

PLAINTIFFS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Pursuant to Local Rule 7.2 and the parties' Stipulated Protective Order entered in this matter on May 16, 2011 [Docket No. 56], Plaintiffs respectfully submit this Motion for Leave to File Documents Under Seal ("Motion"). In support of this Motion, Plaintiffs state the following:

1. Plaintiffs have filed a Motion for Leave to File Reply in Support of Motion to Compel Discovery, with the proposed Reply memorandum attached as Exhibit 1 thereto. [Docket No. 147].

2. The parties' Stipulated Protective Order provides, "[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 [Docket No. 56].

3. In the Reply Memorandum in support of their Motion to Compel, Plaintiffs rely on the testimony of an employee of Urban Settlement Services, a/k/a Urban Lending Solutions – a third-party vendor of BOA. BOA has designated substantial portions of this transcript as

“Confidential.” Plaintiffs do not believe that the information contained in the transcript is confidential and are in the process of challenging such designations. The process of resolving the disputed designations has not been completed and, per the terms of the Stipulated Protective Order, Plaintiffs must continue to treat the disputed portions as confidential for the time being. Therefore, Plaintiffs request that the Court allow Plaintiffs' Reply Memorandum in Support of Motion to Compel (which discusses the testimony of this witness) to be filed under seal to avoid the potential that confidential information would be disclosed in Plaintiffs' publicly filed documents.

5. On August 27, 2012, Plaintiffs' Counsel conferred with Counsel for Defendant, who informed Plaintiffs' Counsel that they assent to the relief sought in this Motion.

6. The impoundment order can be lifted on the earliest of agreement of the parties, further order of the Court consistent with the procedures set out in the Stipulated Protective Order, or upon return of the materials to the parties at the close of the case.

7. Under Local Rule 7.2(d), which requires Court approval before submitting Confidential materials under seal, Plaintiffs will submit these documents promptly to the Court should the Court grant this Motion. On the date this Motion was filed, Plaintiffs' Counsel served these documents on Defendant's Counsel.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion For Leave To File Documents Under Seal and the relief requested herein.

Dated: August 27, 2012

Respectfully Submitted,

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LOCAL RULE 7.1 CERTIFICATE

I certify pursuant to Local Rule 7.1 that on August 27, 2012, counsel for all parties have conferred and counsel for Defendants assent to the relief sought in this motion.

/s/ Steve W. Berman

Hagens Berman Sobol Shapiro LLP

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2012, a true and correct copy of this document was filed electronically. Notice of this filing will be sent by electronic mail to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steve W. Berman

Hagens Berman Sobol Shapiro LLP