

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

No. 1:10-md-2193 RWZ

**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, Plaintiffs respectfully submit this Motion for Leave to File Documents under Seal ("Motion"). In support of this Motion, Plaintiffs state the following:

1. Plaintiffs are filing a Response to Defendants' Motion for a Protective Order Regarding Confidential Information ("Response") and the Declaration of Ari Brown In Support of Plaintiffs' Response to Defendants' Motion for a Protective Order ("Brown Declaration") with Exhibits A and B.

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 Response, Plaintiffs discuss the deposition testimony of Christopher Orris, an employee of Urban Settlement Services, a/k/a Urban Lending Solutions – a third-party vendor of BOA. In Exhibit B to the Brown Declaration, Plaintiffs rely on excerpts from the deposition testimony of Neal Walsh, a designated corporate representative under Fed. R. Civ. P. 30(b)(6), whose deposition was taken February 24, 2012. BOA has designated both of these transcripts as "Confidential." Plaintiffs do not necessarily agree that the information contained in these deposition transcripts are confidential. 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' Response to Defendants' Motion for a Protective Order Regarding Confidential Information and Exhibit B to the Declaration of Ari Brown In Support of Plaintiffs' Response to Defendants' Motion for a Protective Order to be filed under seal to avoid the potential that confidential information would be disclosed in Plaintiffs' publicly filed documents.
4. On September 10, 2012, Plaintiffs' Counsel communicated with Counsel for Defendant, who informed Plaintiffs' Counsel that they assent to the relief sought in this Motion.
5. 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. 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: September 10, 2012

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**LOCAL RULE 7.1 CERTIFICATE**

I certify that Pursuant to Local Rule 7.1 that on September 10, 2012, counsel for all parties have conferred and counsel for Defendants assent to the relief sought in this motion.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 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/ Gary Klein*  
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Gary Klein