

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Chavez v. Allstate Northbrook Indemnity Company

No. 22-cv-00166-AJB-DEB (S.D. Cal. June 25, 2025) · No. 22-cv-00166-AJB-DEB · Decided June 25, 2025

OPINION

Chavez v. Allstate Northbrook Indemnity Company

PER CURIAM.

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6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 9 MINERVA CHAVEZ, individually and Case No.: 22-cv-00166-AJB-DEB on behalf of all
others similarly situated, 10 Plaintiff, ORDER DENYING PLAINTIFF’S

11 MOTION TO FILE DOCUMENTS

v. UNDER SEAL

12

ALLSTATE NORTHBROOK

13 INDEMNITY COMPANY,

(Doc. No. 128) 14 Defendant. 15 16 17 18 19 On March 26, 2025, Plaintiff filed the instant
motion to file under seal documents in 20 support of Plaintiff’s Opposition to Defendant’s Motion
for Summary Judgment. (Doc. No. 21 128.) On April 9, 2025, Defendant Allstate Northbrook
Indemnity Company (“Allstate” or 22 “Defendant”) filed a Notice of Non-Opposition and Joinder.
(Doc. No. 132.) Pursuant to 23 Civil Local Rule 7.1.d.1, the Court finds this motion suitable for
determination on the 24 papers and without oral argument. For the reasons set forth below, the
Court DENIES 25 Plaintiff’s motion and Allstate’s joinder.

26 I. LEGAL STANDARD

27 Courts have historically recognized a “general right to inspect and copy public 28 records and
documents, including judicial records and documents.” *Nixon v. Warner 1 Commc’ns, Inc.*, 435
U.S. 589, 597 & n.7 (1978). “Unless a particular court record is one 2 ‘traditionally kept secret,’ a
‘strong presumption in favor of access’ is the starting point.” 3 *Kamakana v. City & Cnty. of
Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz 4 v. State Farm. Mut. Auto. Ins. Co.*,
331 F.3d 1122, 1135 (9th Cir. 2003)). In order to 5 overcome this strong presumption, a party
seeking to seal a judicial record must articulate 6 justifications for sealing that outweigh the public
policies favoring disclosure. See *id.* at 7 1178–79. “In turn, the court must ‘conscientiously
balance[] the competing interests’ of 8 the public and the party who seeks to keep certain judicial
records secret.” *Id.* at 1179 9 (quoting *Foltz*, 331 F.3d at 1135). The court must consider these

interests and “base its 10 decision on a compelling reason and articulate the factual basis for its ruling, without 11 relying on hypothesis or conjecture.” *Id.* (quoting *Hagestad v. Tragesser*, 49 F.3d 1430, 12 1434 (9th Cir. 1995)) (internal quotations omitted). 13 A party seeking to seal a judicial record bears the burden of overcoming the strong 14 presumption of access. *Foltz*, 331 F.3d at 1135. The showing required to meet this burden 15 depends upon whether the documents to be sealed relate to a motion that is “more than 16 tangentially related to the merits of the case.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 17 809 F.3d 1092, 1102 (9th Cir. 2016). When the underlying motion is more than tangentially 18 related to the merits, the “compelling reasons” standard applies. *Id.* at 1096–98. When the 19 underlying motion does not surpass the tangential relevance threshold, the “good cause” 20 standard applies. *Id.* 21 “In general, ‘compelling reasons’ sufficient to outweigh the public’s interest in 22 disclosure and justify sealing court records exist when such ‘court files might have become 23 a vehicle for improper purposes,’ such as the use of records to gratify private spite, promote 24 public scandal, circulate libelous statements, or release trade secrets.” *Kamakana*, 447 F.3d 25 at 1179 (quoting *Nixon*, 435 U.S. at 598). However, “[t]he mere fact that the production of 26 records may lead to a litigant’s embarrassment, incrimination, or exposure to further 27 litigation will not, without more, compel the court to seal its records.” *Id.* (citing *Foltz*, 331 28 F.3d at 1136).

1 II. DISCUSSION

2 The exhibits Plaintiff provisionally filed under seal are in support of Plaintiff’s 3 opposition to Allstate’s motion for summary judgment. (Doc. No. 128.) Because a motion 4 for summary judgment is more than tangentially related to the merits of the case, the 5 compelling reasons standard applies in determining whether to grant the motion to seal. 6 See *Ctr. for Auto Safety*, 809 F.3d at 1099–1102. 7 Plaintiff moves to seal portions of four exhibits (Exhibits 1, 6–8), and the entirety of 8 eight exhibits (Exhibits 2, 10–15, 17) containing information Allstate designated 9 confidential pursuant to the Protective Order in this case. (See Doc. Nos. 48; see also Doc 10 Nos. 129-1–129-12.) Plaintiff also filed a redacted version of her opposition brief to 11 Allstate’s motion for summary judgment, which she also filed under seal, but which is not 12 addressed in either Plaintiffs’ motion to seal or Allstate’s joinder brief. (Doc. Nos. 128; 13 132.) 14 A. Plaintiff’s Exhibits 1, 6–8 15 Plaintiff’s Exhibits 1, 6, 7, and 8 are all declarations of Allan I. Schwartz, Plaintiff’s 16 retained expert, which Plaintiff represents contain references to documents that Allstate 17 designated as confidential pursuant to the Protective Order. (See Doc. No. 128 at 1, 3.) 18 However, in violation of the Civil Case Procedures of the Honorable Anthony J. Battaglia, 19 U.S. District Judge, and the law of this Circuit, neither Plaintiff nor Defendant Allstate 20 make a particularized showing of compelling reasons—supported by factual evidence—to 21 seal Exhibits 1, 6, 7, and 8. See *Krommenhock v. Post Foods, LLC*, 334 F.R.D. 552, 586 22 (N.D. Cal. 2020); J. Battaglia Civ. Case Proc. § IV.3. Neither Defendant’s non-opposition 23 brief nor the Declaration of Anitra Clement (“Clement Decl.”)¹ filed in support, mention 24 any specific reason for redacting Exhibits 1, 6, 7 and 8. (See Doc. Nos. 132; 132-1.) Instead, 25 26 1

The Clement Declaration also incorrectly uses the “good cause” standard in support of sealing Plaintiff’s exhibits. (See Doc. No. 132-1 ¶ 4.) The “compelling reasons” standard applies to evaluate sealing information filed in conjunction with a motion for summary judgment. See *Ctr. for Auto Safety*, 809 F.3d at 1098 (“[W]e applied the ‘compelling reasons’ standard to documents attached to a motion for summary judgment. Plaintiff and Defendant solely rely on reference to the stipulated Protective Order, which does not supply a legal basis to curtail the public’s access to judicial records. See *In re Ferrero Litig.*, No. 11-CV-205 H(CAB), 2011 WL 3360443, *2 (S.D. Cal. Aug. 3, 2011) (holding that a protective order itself does not satisfy the standard required of a sealing order). Plaintiff and Defendant also fail to identify a specific harm that would be caused by the public disclosure of these particular documents. (See Doc. Nos. 128, 132.) Accordingly, the Court DENIES WITHOUT PREJUDICE Plaintiff’s motion to seal Exhibits 1, 6, 7, and 8. B. Plaintiff’s Exhibits 2, 10–15, 17 Plaintiff and Defendant seek to seal the entirety of Plaintiff’s Exhibits 2, 10–15, and 17. (See Doc. Nos. 129-2; 129-6–129-12.) In Allstate’s non-opposition and joinder brief, Allstate indicates that Exhibits 2, 10, 11, 12, 13, and 14 include “highly sensitive and competitive business information” and “sensitive information not available to [Allstate’s] competitors that includes profits, costs, and margins data.” (Doc. No. 132 at 2.) Allstate also indicates that Exhibits 2, 14, 15, and 17 include “[s]pecific communications with the [California Department of Insurance], the identity of employees responsible for communicating with the CDI, and the form or manner of those communications[, which] are highly confidential.” (Id.) The Clement Declaration further notes that all of these exhibits “contain non-public, confidential, financial, and competitively sensitive information about Allstate’s business operations in the State of California and beyond[,]” that “could be used by Allstate’s competitors [] to Allstate’s disadvantage.” (Doc. No. 132- 22 1 ¶¶ 4–5.) The Court recognizes that compelling reasons may exist for sealing confidential business materials like nonpublic competitive business strategies, profits, costs, and other sensitive financial information. See e.g., *ImprimisRx, LLC v. OSRX, Inc.*, No. 21-cv-1305- BAS-DDL, 2024 WL 1269474, *2, 4 (S.D. Cal. Mar. 25, 2024). However, the presumptive public right of access addressed in *Kamakana* requires redaction of only those portions of the exhibits which warrant sealing. See *Bovier v. Bridgepoint Educ./Ashford Univ.*, Case 1 No.: 3:17-cv-01052-GPC-JMA, 2018 WL 11411260, at *2 (S.D. Cal. June 27, 2018). The “compelling reasons” rule requires the parties to “narrowly tailor[] their request to redact only the portions of the filings and the precise exhibits” that are deemed confidential. See *In Re Qualcomm Litig.*, No. 17-cv-108-GPC-MDD, 2017 WL 5176922, at *2 (S.D. Cal., 5 Nov. 8, 2017).

6 Plaintiff’s Exhibits 2, 10–15, and 17, which the parties seek to seal in their entirety, 7 are either not narrowly tailored or the Court does not have a sufficient factual basis to 8 justify sealing these exhibits in their entirety. For example, Exhibit 2 is a 33-page excerpt 9 of the October 25, 2024 deposition of Nathan Remmert that does not contain narrowly- 10 tailored redactions. (Doc. No.

129-2.) Similarly, Exhibit 14 is a letter from California 11 Insurance Commissioner Ricardo Lara to Allstate, which contains public information about 12 the COVID-19 pandemic, and also lacks narrowly-tailored redactions. (Doc. No. 129-10.) 13 While Allstate cites to Day v. GEICO Cas. Co., No. 21-CV-02103-BLF, 2023 WL 6558404 14 (N.D. Cal. Sept. 21, 2023) in support of an analogous case where the court granted a 15 “similar request to seal documents from competitor insurance company in similar COVID- 16 19 class action dispute[,]” (Doc. No. 132 at 3), there, GEICO provided specific reasons 17 justifying proposed redactions or sealing for each individual document it sought to redact 18 or seal. Day, 2023 WL 6558404, at *2. The Day court also found that “each of GEICO’s 19 sealing requests is narrowly tailored to seal confidential business and financial information, 20 the disclosure of which would cause competitive harm to GEICO by allowing other 21 insurers to obtain a unilateral advantage by learning about GEICO’s business operations.” 22 Id. Here, Allstate has not demonstrated that the information it seeks to maintain under seal 23 is narrowly tailored to satisfy the “compelling reasons” standard. Additionally, Allstate has 24 not provided the Court with a particularized showing of compelling reasons, supported by 25 factual evidence, to justify the sealing of each of the exhibits it seeks to maintain under 26 seal. 27 Accordingly, the Court DENIES WITHOUT PREJUDICE the motion to seal 28 Plaintiff’s Exhibits 2, 10, 11, 12, 13, 14, 15, and 17. 1 C. Redactions in Plaintiff’s Opposition to Allstate’s Motion for Summary 2 Judgment 3 Plaintiffs publicly filed opposition brief to Allstate’s motion for summary judgment 4 ||contains redactions, presumably of information contained in the exhibits Plaintiff 5 || provisionally filed under seal. (See Doc. No. 131.) Neither Plaintiff, nor Allstate, provides 6 reason, let alone a compelling one, for why the redacted information in Plaintiff’s 7 || opposition brief should remain under seal. (See Doc. Nos. 128; 132.) 8 Accordingly, the Court DENIES WITHOUT PREJUDICE the motion to seal to 9 || the extent it applies to the redactions in Plaintiff’s opposition brief to Allstate’s motion for 10 summary judgment.

11 II. CONCLUSION

12 For the foregoing reasons, the Court DENIES WITHOUT PREJUDICE □□□□□□□□□□ 13 ||motion to seal. (Doc. No. 128.) If Allstate wishes to provide supplemental briefing to 14 || justify sealing any exhibits or maintaining the redactions in Plaintiff’s opposition brief, for 15 which sealing is denied without prejudice, it must do so within 7 days of this Order. 16 || Allstate may either provide particularized reasoning or additional facts to support its 17 || sealing request of portions of Plaintiff’s opposition brief and each exhibit it seeks to seal 18 ||in its entirety or propose targeted redactions to the exhibits. If Allstate does not file 19 ||supplemental briefing within 7 days of this Order, the Court will instruct the Clerk to 20 docket the exhibits in accordance with this Order. The exhibits will remain lodged under 21 in the interim. 22 IT IS SO ORDERED. |!Dated: June 25, 2025 Q 1 Sez : 2 24 Hon. Anthony J. attaglia 25 United States District Judge 26 27 28

