

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, AUGUSTA DIVISION

ALPS Property & Casualty Insurance Co. v. Jeremy Cohen; Lorin
Cohen; Xytex Cryo International, Ltd.; and Xytex Ventures, LLC

ALPS Property & Casualty Insurance Co. v. Cohen · No. CV 125-105 · Decided March 11, 2026

SUMMARY

The United States District Court for the Southern District of Georgia grants Jeremy Cohen and Lorin Cohen’s motion to seal certain email attachments and client records submitted with their reply in support of a cross-motion for partial summary judgment. The Court concludes that the privacy interests of the defendants outweigh the public right of access and orders Exhibits B, C, and D sealed in their entirety. The seal is to remain in place pending resolution of related litigation in the Superior Court of Columbia County, Georgia.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Augusta Division
JURISDICTION	United States District Court for the Southern District of Georgia, Augusta Division
DECIDED	March 11, 2026
DOCKET	CV 125-105
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Jeremy Cohen and Lorin Cohen moved to seal email attachments and client records submitted as exhibits to their reply in support of a cross-motion for partial summary judgment.
STANDARD OF REVIEW	The court balanced the historical presumption of public access to judicial records against the significant privacy and other interests asserted in support of sealing.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil procedure
- commercial litigation
- insurance

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should seal the email attachments and client records submitted as Exhibits B, C, and D.
2. Whether the exhibits should be sealed in their entirety rather than redacted.

HOLDINGS

1. A court may seal judicial records when the significant privacy interests identified by the party seeking sealing outweigh the historical presumption of public access, and sealing will not impair court functions.
2. The exhibits should be sealed in their entirety rather than redacted.

KEY QUOTATIONS

“When deciding whether to grant a party’s motion to seal, the court is required to balance the historical presumption of access against any significant interests raised by the party seeking to file under seal.” (Order)

FACTUAL BACKGROUND

The Cohen Defendants submitted email attachments and client records maintained by Jeremy Cohen in support of their reply on a cross-motion for partial summary judgment. The records concerned Xytex Cryo International, Ltd. and Xytex Ventures, LLC, former clients of Jeremy Cohen who were adverse to the Cohen Defendants in underlying litigation pending in the Superior Court of Columbia County, Georgia. The Defendants sought to keep the materials sealed until that litigation concluded.

PROCEDURAL HISTORY

The Cohen Defendants filed a motion to seal Exhibits B, C, and D containing client records related to their former clients and underlying litigation in the Superior Court of Columbia County, Georgia. The district court granted the motion, ordered the exhibits sealed in their entirety, and directed the Clerk to maintain the originals under seal pending resolution of the underlying Xytex Litigation.

DISPOSITION

other

CASES CITED

- *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978)
- *BASF Corp. v. SNF Holding Co.*, Civil Action No. 4:17-cv-251, 2019 WL 2881594, at *4 (S.D. Ga. July 3, 2019)
- *Globe Newspaper Co. v. Superior Court for Norfolk County*, 457 U.S. 596 (1982)

OPINION

Cohen

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

ALPS PROPERTY & CASUALTY)
INSURANCE CO.,)

) Plaintiff,)) v.) CV 125-105)

JEREMY COHEN; LORIN COHEN;)

XYTEX CRYO INTERNATIONAL, LTD.;)

and XYTEX VENTURES, LLC,)) Defendants.) _____

O R D E R

_____ Before the Court is Defendants Jeremy Cohen and Lorin Cohen's (the "Cohen Defendants") motion to seal certain email attachments submitted as Exhibits to their Reply in Support of their Cross Motion for Partial Summary Judgment. (Doc. no. 39.) The Cohen Defendants ask the Court to seal certain client records maintained by Defendant Jeremy Cohen and submitted in support of their Reply. These records contain information related to Defendants Xytex Cryo International, LTD. and Xytex Ventures, LLC, Defendant Jeremy Cohen's former clients, who are adverse to the Cohen Defendants in certain underlying litigation pending in the Superior Court of Columbia County, Georgia (the "Xytex Litigation"). The Cohen Defendants request that the Court file these records under seal until the conclusion of that litigation. The public right of access to judicial records is well-established and extends to the inspection and the copying of court records and documents. See *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). However, this right of access is not absolute. *BASF Corp. v. SNF Holding Co.*, Civil Action No., 4:17-cv-251, 2019 WL 2881594, at *4 (S.D. Ga. July 3, 2019) (citing *Globe Newspaper Co v. Super. Ct. for Norfolk Cty.*, 457 U.S. 596 (1982)). "When deciding whether to grant a party's motion to seal, the court is required to balance the historical presumption of access against any significant interests raised by the party seeking to file under seal." *Id.* (internal citations omitted). In balancing these interests, courts consider, among other things: whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents. *Id.* For the reasons stated by the Cohen Defendants, the Court finds that sealing the materials concerned will not impair court functions in this litigation and that protecting the privacy interests of Defendants outweighs the public's right of access to these materials. Moreover, the Court has reviewed the Exhibits B, C, and D and has determined they must be sealed in their entirety rather than redacted. Therefore, the Court GRANTS the Cohen Defendants' Motion to Seal. (Doc. no.

39.) The cover pages for Exhibits B, C, and D shall remain on the docket as placeholders. (Doc. no. 38-2, pp. 7-9.) The Court further ORDERS the Clerk of Court to maintain under seal, for in camera review as necessary for consideration of the Cross Motion for Partial Summary Judgment, the original documents submitted under seal, pending resolution of the Xytex Litigation. The parties are directed to inform the Court upon resolution of the Xytex Litigation, at which time they may move for a renewal of the provisional seal within 15 days of the same. SO ORDERED this 11th day of March, 2026, at Augusta, Georgia. BRIAN E.

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA