

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

John Marcelletti, on behalf of himself and all others similarly situated v. GEICO General Insurance Company

Marcelletti · No. 6:23-CV-06211 EAW CDH · Decided February 26, 2026

SUMMARY

The United States District Court for the Western District of New York addresses GEICO’s motion to seal materials filed in connection with class-certification and expert-witness motions in a putative class action concerning payment of sales tax as part of the actual cash value of total-loss vehicles. The court grants the motion only as to vehicle identification numbers corresponding to sealing requests 40, 59, and 74, and denies all other sealing requests because the proposed information is generic, stale, publicly disclosed, or insufficiently supported as likely to cause competitive harm.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Colleen D. Holland
JURISDICTION	United States District Court for the Western District of New York
DECIDED	February 26, 2026
DOCKET	6:23-CV-06211 EAW CDH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to seal portions of briefs and exhibits filed in connection with plaintiff's amended motion for class certification and the parties' motions to limit or exclude expert witnesses. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	The court applied the common-law and First Amendment rights of public access to judicial documents. Under the First Amendment standard, sealing required specific on-the-record findings that closure was essential to preserve higher values and narrowly tailored to serve that interest; the burden rested on the party seeking sealing.
PRECEDENTIAL VALUE	unknown
PARTIES	GEICO General Insurance Company v. John Marcelletti, on behalf of himself and all others similarly situated

TOPICS

class actions civil procedure insurance breach of contract commercial litigation

PRACTICE AREAS

civil procedure insurance class actions commercial litigation

QUESTIONS PRESENTED

1. Whether briefs and exhibits submitted in connection with a class-certification motion and motions to limit or exclude expert testimony are judicial documents subject to a presumption of public access.
2. Whether the First Amendment right of access attaches to those briefs and exhibits.
3. Whether GEICO established that its proposed redactions were necessary and narrowly tailored to protect higher values, including competitive harm and privacy interests.
4. Whether the court should permit redaction of vehicle identification numbers belonging to putative class members.

HOLDINGS

1. Briefs and exhibits submitted to influence the court's ruling on a class-certification motion and motions to exclude or limit expert testimony are judicial documents subject to the common-law presumption of public access.
2. The First Amendment right of access attaches to the briefs and exhibits submitted in connection with the class-certification and expert motions.
3. GEICO failed to show that the proposed redactions concerning its processes, procedures, data systems, vehicle valuations, and sales-tax policies were necessary to prevent competitive harm or narrowly tailored to protect a higher value.
4. GEICO may redact the vehicle identification numbers of putative class members because the information is personally identifiable, immaterial to resolution of the motions, and outweighed by the insureds' privacy interests.

KEY QUOTATIONS

“The burden of demonstrating that a document submitted to a court should be sealed rests on the party seeking such action[.]”

“The First Amendment analysis, however, is more stringent and requires that sealing be narrowly tailored to achieve its aim.”

“All other sealing requests are denied.”

FACTUAL BACKGROUND

The underlying putative class action concerns GEICO's alleged failure to pay sales tax as part of the actual cash value of total-loss vehicles. GEICO sought to seal information concerning its claims processes, leased-vehicle

procedures, data systems, vehicle valuations, and a putative class member's vehicle identification number. GEICO primarily asserted that disclosure would cause competitive harm, supported by declarations from a GEICO employee and a consultant.

PROCEDURAL HISTORY

Marcelletti brought a putative class action alleging that GEICO breached insurance contracts by failing to include sales tax in the actual cash value paid for total-loss vehicles. The case was referred to the magistrate judge for non-dispositive pretrial matters. GEICO moved to seal portions of class-certification and expert-motion materials; the court allowed redaction of specified vehicle identification numbers but denied all other sealing requests.

DISPOSITION

other

CASES CITED

- Hatzimihalis v. SMBC Nikko Securities America, Inc., No. 20 CIV. 8037 (JPC), 2023 WL 3736440, at *1 (S.D.N.Y. May 31, 2023)
- Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 120, 126 (2d Cir. 2006)
- United States v. Amodeo, 44 F.3d 141, 145 (2d Cir. 1995)
- Hartford Courant Co. v. Pellegrino, 380 F.3d 83, 93 (2d Cir. 2004)
- United Pool Distribution, Inc. v. Custom Courier Solutions, Inc., No. 22-CV-06314-FPG, 2024 WL 2979365, at *1 (W.D.N.Y. June 13, 2024)
- Olson v. Major League Baseball, 29 F.4th 59, 87-90 (2d Cir. 2022)
- Brown v. Maxwell, 929 F.3d 41, 49-50 (2d Cir. 2019)
- In re New York City Policing During Summer 2020 Demonstrations, 635 F. Supp. 3d 247, 251-52 (S.D.N.Y. 2022)
- In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation, No. 14-MC-2542 (VSB), 2023 WL 196134 (S.D.N.Y. Jan. 17, 2023)
- TileBar v. Glazzio Tiles, 723 F. Supp. 3d 164, 209 (E.D.N.Y. 2024)
- Coventry Capital US LLC v. EEA Life Settlements, Inc., No. 17CIV7417VMHBP, 2017 WL 5125544, at *3 (S.D.N.Y. Nov. 2, 2017)
- In re Terrorist Attacks on September 11, 2001, No. 03-MD-1570 (GBD)(SN), 2021 WL 5495180, at *1 n.1 (S.D.N.Y. Nov. 23, 2021)
- DiRussa v. Dean Witter Reynolds Inc., 121 F.3d 818, 826 (2d Cir. 1997)
- In re Zimmer M/L Taper Hip Prosthesis or M/L Taper Hip Prosthesis With Kinectiv Technology & VerSys Femoral Head Products Liability Litigation, No. 18-MC-2859 (PAC), 2021 WL 1625390, at *1 (S.D.N.Y. Apr. 27, 2021)
- Thomas v. ConAgra Foods, Inc., No. 6:20-CV-06239-EAW-MJP, 2023 WL 11984926, at *1 (W.D.N.Y. May 3, 2023)

- McKoy v. Trump Corp., No. 18 CIV. 9936 (LGS), 2023 WL 7924685, at *3 (S.D.N.Y. Nov. 16, 2023)
- Ndugga v. Bloomberg L.P., No. 20 CIV. 7464 (GHW) (GWG), 2025 WL 2302089, at *1 (S.D.N.Y. Aug. 11, 2025)
- Savage v. Sutherland Global Services, Inc., No. 6:19-CV-06840 EAW, 2025 WL 1224346, at *2 (W.D.N.Y. Apr. 28, 2025)
- Grayson v. General Electric Co., No. 3:13CV1799 (WWE), 2017 WL 923907, at *1, *3 (D. Conn. Mar. 7, 2017)
- Jama v. State Farm Fire & Casualty Co., No. C20-652 MJP, 2021 WL 4255233, at *2 (W.D. Wash. June 15, 2021)
- Lavin v. Virgin Galactic Holdings, Inc., No. 21-CV-3070 (ARR) (TAM), 2025 WL 1031060, at *3 (E.D.N.Y. Apr. 2, 2025)
- In re SunEdison, Inc. Securities Litigation, No. 16-CV-7917 (PKC), 2019 WL 126069, at *3 (S.D.N.Y. Jan. 7, 2019)
- Allegra v. Luxottica Retail North America, No. 17CV05216PKCRLM, 2021 WL 4799032, at *4 (E.D.N.Y. Oct. 14, 2021)
- Saint-Jean v. Emigrant Mortgage Co., No. 11-CV-2122 (SJ), 2016 WL 11430775, at *7 (E.D.N.Y. May 24, 2016)
- Shetty v. SG Blocks, Inc., No. 20CV550ARRMMH, 2021 WL 4959000, at *4 (E.D.N.Y. Oct. 26, 2021)
- Oliver Wyman, Inc. v. Eielson, 282 F. Supp. 3d 684, 707 (S.D.N.Y. 2017)
- Waterkeeper Alliance, Inc. v. Alan & Kristin Hudson Farm, 278 F.R.D. 136, 143 (D. Md. 2011)