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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STARR INDEMNITY & LIABILITY
COMPANY,

Plaintiff,

v.

POINT RUSTON, LLC; MICHAEL
COHEN; JULIE MCBRIDE; LOREN
COHEN; HOLLAND COHEN; MC
RUSTON LLC; M&J REAL ESTATE
INVESTMENT, LLC; MCBRIDE COHEN
MANAGEMENT GROUP, LLC;
ABERNETHY ROAD GROUP, LLC;
MCBRIDE-COHEN CONSTRUCTION
PAYROLL SERVICES, LLC; CENTURY
TACOMA BUILDING, LLC; CENTURY
CONDOMINIUMS, LLC; POINT RUSTON
THEATRE, LLC; POINT RUSTON PHASE
II, LLC; POINT RUSTON PHASE III, LLC;
PR RETAIL, LLC; JLW POINT RUSTON
INVESTMENTS, LLC,

Defendants.

) Case No. 3:20-cv-5539-RSL

)
) PLAINTIFF STARR INDEMNITY &
) LIABILITY COMPANY'S STIPULATED
) MOTION TO SEAL DOCUMENT
) RELATING TO ITS RESPONSE TO
) MOTION TO DISMISS

) **NOTE ON MOTION CALENDAR:**
) **August 17, 2019**

STIPULATED MOTION TO SEAL - 1

LAW OFFICES OF
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I. RELIEF REQUESTED

Plaintiff, Starr Indemnity & Liability Company (“Starr”), pursuant to LCR 5(g)(3)(B), with the approval and stipulation of the other parties to this action, moves to seal a document filed today as an exhibit to the Declaration of Jonathan Toren (the “Toren Declaration”) in support of Starr’s Response to Defendants’ Motion to Dismiss, and in support thereof states as follows:

II. STATEMENT OF FACTS

Contemporaneously herewith, Starr has filed a Response to the Motion to Dismiss filed by several of the defendants asserting inadequate pleading of subject matter jurisdiction. With that response, Starr has filed the Toren Declaration, which attaches several exhibits reflecting the evidence upon which Starr relied in alleging the citizenship of the parties in the Amended Complaint.

One of those documents is an underwriting worksheet (the “Worksheet”) from Starr’s underwriting file for the current policy issued to MC Construction, Inc. and several of the defendants in this action. The format and contents of the Worksheet reflect Starr’s confidential means and methods of developing and pricing premiums for insurance policies. These means and methods are valuable trade secrets for Starr. Starr has produced the Worksheet to all Defendants and marked the Worksheet “Confidential” pursuant to the Stipulated Protective Order filed in this Court on August 14, 2020. Starr has conferred with the defendants, and none of the defendants object to filing the Worksheet under seal.

III. ARGUMENT

Pursuant to LCR 5(g)(2)(B) and 5(g)(3)(B), Starr is filing this stipulated motion to seal the Worksheet. Starr has a legitimate interest in protecting confidential underwriting-related trade secrets from disclosure. Public filing of the Worksheet will expose those trade secrets to Starr’s

1 competitors, potentially harming Starr’s competitive advantage in underwriting coverages and
2 pricing premiums. As the format and contents of the Worksheet as a whole reflect those trade
3 secrets, a less restrictive means is insufficient. In that regard, Starr further notes that it is
4 requesting to seal only that single document, and not any other exhibit or any portion of the
5 Response brief or Toren Declaration.
6

7 Pursuant to LCR 5(g)(6), if this Motion to Seal is denied, Starr requests that the Court
8 allow Starr to withdraw the Worksheet and file an alternative Response and declaration that omit
9 any reference to the Worksheet.
10

11 **IV. CONCLUSION**

12 For the foregoing reasons, Starr respectfully requests that this Court permit the Worksheet
13 to remain under seal, based on the agreement of the parties as to this motion and the Stipulated
14 Protective Order.
15

16 **V. CERTIFICATION**

17 Pursuant to LCR 5(g)(3)(A), Plaintiff hereby certifies that counsel for the parties
18 exchanged emails and conferred on August 13, 2020, in an attempt to obtain an agreement on the
19 document at issue and did, in fact, reach such agreement.
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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated this 17th day of August, 2020.

Dated this 17th day of August, 2020.

/s/ Jonathan Toren
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Attorneys for Plaintiff Starr Indemnity & Liability Company

Attorneys for Defendants Point Ruston, LLC, Michael Cohen, Julie McBride, Loren Cohen, Holland Cohen, MC Ruston LLC, M&J Real Estate Investment, LLC, McBride Cohen Management Group, LLC, Abernethy Road Group, LLC, McBride-Cohen Construction Payroll Services, LLC, Century Tacoma Building, LLC, Century Condominiums, LLC, Point Ruston Theatre, LLC, Point Ruston Phase II, LLC, Point Ruston Phase III, LLC, and PR Retail, LLC

Dated this 17th day of August, 2020.

/s/ William A. Linton
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Attorneys for Defendant JLW Point Ruston Investments, LLC

STIPULATED MOTION TO SEAL - 4


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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: this 18th day of August, 2020.


Robert S. Lasnik
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 17th day of August, 2020.

COZEN O'CONNOR

By: /s/ Bonnie L. Buckner
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