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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BERKSHIRE LIFE INSURANCE
COMPANY OF AMERICA,

Plaintiff,

v.

ANTONIO MONTALVO,

Defendant.

Case No. 1:16-cv-00006-SAB

ORDER GRANTING PLAINTIFF'S
REQUEST TO FILE DOCUMENTS UNDER
SEAL

On January 5, 2016, Plaintiff Berkshire Life Insurance Company of America filed this action. On that same date, Plaintiff filed a request to file an unredacted copy of the Complaint and the exhibit attached to the Complaint, with the exception of redactions pursuant to Federal Rule of Civil Procedure 5.2(a). Plaintiff also filed on the public docket a redacted copy of the Complaint and the exhibit attached to the Complaint.

Pursuant to the Local Rule of the United States Court, Eastern District of California ("L.R."), documents may only be sealed by written order of the Court upon the showing required by applicable law. L.R. 141(a). Plaintiff indicates that an unredacted copy of the Complaint and the attached exhibit should be before the Court in light of the fraud allegations and the fact that the validity of the entire insurance policy is at issue in this action. Plaintiff seeks to seal the unredacted copy of the Complaint and the exhibit attached to the Complaint to protect the

1 defendant Antonio Montalvo's privacy right to confidential medical information, which is
2 protected from disclosure by Article I, Section 1 of the California Constitution and The Health
3 Insurance Portability and Accountability Act (HIPAA) and HIPAA's regulations, 45 CFR §
4 164.512(e).

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's request to file under seal an unredacted copy of the Complaint and the
7 exhibit attached to the Complaint, with the exception of redactions pursuant to
8 Federal Rule of Civil Procedure 5.2(a), is GRANTED;
- 9 2. A redacted copy of the Complaint and the exhibit attached to the Complaint shall be
10 filed on the public docket; and
- 11 3. Plaintiff Berkshire Life Insurance Company of America and Defendant Antonio
12 Montalvo, by and through their attorneys, shall be permitted access to the sealed
13 documents.

14 IT IS SO ORDERED.

15 Dated: January 6, 2016

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18 UNITED STATES MAGISTRATE JUDGE
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