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10 Attorneys for Plaintiffs

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 12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**  
 15

16 ALLSTATE INSURANCE COMPANY,  
 ALLSTATE PROPERTY & CASUALTY  
 17 INSURANCE COMPANY, ALLSTATE  
 INDEMNITY COMPANY, and ALLSTATE  
 18 FIRE & CASUALTY INSURANCE  
 COMPANY,

19 Plaintiffs,

20 v.

21 RUSSELL J. SHAH, MD, DIPTI R. SHAH,  
 22 MD, RUSSELL J. SHAH, MD, LTD., DIPTI  
 R. SHAH, MD, LTD., and RADAR  
 23 MEDICAL GROUP, LLP dba UNIVERSITY  
 URGENT CARE, DOES 1-100, and ROES  
 24 101-200,

25 Defendants.

26 **AND RELATED CLAIMS**  
 27

CASE NO. 2:15-cv-01786-APG-CWH  
**MOTION FOR LEAVE TO FILE UNDER  
 SEAL EXHIBITS 1-12, 14, 16, 17, 18, 20-21  
 FOUND IN PLAINTIFFS' APPENDIX  
 SUPPORTING PLAINTIFFS' RESPONSE  
 TO MOTION FOR SANCTIONS**

1 Plaintiffs ALLSTATE INSURANCE COMPANY, ALLSTATE PROPERTY & CASUALTY  
2 INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, and ALLSTATE FIRE &  
3 CASUALTY INSURANCE COMPANY (collectively “Allstate”) move this Court for leave to file  
4 under seal Exhibits 1-12, 14, 16, 17, 18, 20-21 as found in Plaintiffs’ Appendix supporting their  
5 Response to Motion for Sanctions Against Plaintiffs. These exhibits contain or reference “protected  
6 health information” concerning non-parties to this matter, and therefore, compelling reasons exist to  
7 seal them.

8 This Motion is made and based on the papers and pleadings on files, the following  
9 Memorandum of Points and Authorities, and any argument heard by the Court.

10 DATED this 15<sup>th</sup> day of March, 2017

11 McCORMICK, BARSTOW, SHEPPARD,  
12 WAYTE & CARRUTH LLP

13  
14 By           //s// Jared P. Green          

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 A party seeking to seal documents attached to a dispositive motion must identify “compelling  
3 reasons supported by specific factual findings” in order to overcome the presumptive right of public  
4 access to those documents. *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1178-79 (9<sup>th</sup> Cir.  
5 2006). The Court will balance the competing interests of the public and the parties (or non-parties) in  
6 deciding whether to seal judicial documents. *Id.* at 1179.

7 On March 15, 2017, Plaintiffs herein filed their Response to Defendants’ Motion for  
8 Sanctions. The Plaintiffs attached 18 documents to their Appendix in support of their Response to the  
9 Motion for Sanctions that qualify (or likely qualify) for sealing: Exhibits 1-12, 14, 16, 17, 18, 20-21.  
10 Exhibits 1-12 consist of recorded statements of patients of Defendants, which describe medical  
11 treatment and a deposition transcript of a Chiropractic Doctor, which also describes medical treatment  
12 of patients undertaken by Defendants. Exhibits 14 and 16 consist of deposition transcripts of two  
13 patients which describe medical treatment rendered to them by the Defendants. Exhibits 17, 18, 20-  
14 21, are declarations of expert medical witnesses on behalf of Allstate, and these written declarations  
15 describe medical treatment rendered to several patients of the Defendants. Exhibits 1-5 and 7-12 have  
16 all been labeled confidential by Allstate.

17 Because the patients referenced in Exhibits 1-12, 14, 16, 17, 18, 20-21 are non-parties to this  
18 matter, sealing these exhibits is warranted in order to protect the patients’ privacy interests under the  
19 Health Insurance Portability and Accountability Act of 1996. *See, e.g., Brodsky v. Baca*, No. 3:14-  
20 cv-00641-RJC-WGC, 2015 WL 6962867, 1 (D. Nev. 2015) (recognizing that protecting medical  
21 privacy qualifies as a “compelling reason” to seal judicial records.)

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1 For these reasons, Allstate respectfully requests that this Court grant this Motion to Seal,  
2 DATED this 15th day of March, 2017

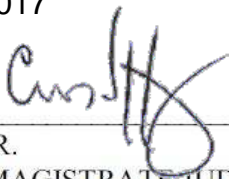
3 McCORMICK, BARSTOW, SHEPPARD,  
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5  
6 By //s// Jared P. Green

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12 IT IS SO ORDERED.

13 DATED: April 4, 2017

14   
15 C.W. HOFFMAN, JR.  
16 UNITED STATES MAGISTRATE JUDGE

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25 **CERTIFICATE OF SERVICE**

26 I hereby certify that on this 15 day of March, 2017, a true and correct copy of **MOTION**  
27 **FOR LEAVE TO FILE UNDER SEAL EXHIBITS 1-12, 14, 16, 17, 18, 20-21 FOUND IN**  
28 **PLAINTIFFS' APPENDIX SUPPORTING PLAINTIFFS' RESPONSE TO MOTION FOR**  
**SANCTIONS** was served via the United States District Court CM/ECF system on all parties or  
persons requiring notice.

By //s// Kristin Thomas

Kristin Thomas, an Employee of  
MCCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

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