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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL DEPOSIT INSURANCE CORPORATION as Receiver for Washington Mutual Bank,

Plaintiff,

v.

ARCH INSURANCE COMPANY, *et al.*,

Defendants.

No. C14-545RSL

ORDER GRANTING DEFENDANTS’ MOTION TO SUBMIT EXHIBITS UNDER SEAL AND REQUEST FOR INSTRUCTIONS ON REDACTION OF EXHIBITS

This matter comes before the Court on the defendants’ “Motion to Submit Exhibits Under Seal in Support of Arch’s Motion for Summary Judgment, and Request for Instructions on Redaction of Exhibits.” Dkt. # 102. Having reviewed the parties’ briefing, declarations, exhibits, and the remainder of the record, the Court finds as follows.

In this case, plaintiff Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank (“FDIC-R”), sues various insurance companies for refusing to cover certain losses under fidelity bond insurance policies held by Washington Mutual Bank (“WaMu”). FDIC-R alleges that WaMu suffered these losses as a result of a criminal mortgage fraud scheme perpetrated on WaMu by two of its lenders. In support of its motion for summary judgment, Dkt. # 97, defendant Arch Insurance Company (“Arch”) has filed a number of exhibits under seal, as those documents have been designated “confidential” by FDIC-R under the terms of the

1 stipulated protective order entered by this Court. Dkt. # 58. Defendants seek an order
2 permitting those documents to be submitted under seal per Local Civil Rule 5(g)(2)(B), as well
3 as instructions from the Court regarding the extent of redactions necessary so that those
4 documents may be filed in an unsealed, redacted form. Defendants have conferred with FDIC-R
5 on this issue and have agreed to redact the information specified in Local Civil Rule 5.2(a).
6 FDIC-R responds that defendants should be required to redact additional material, namely all
7 Personally Identifiable Information protected from disclosure by the Privacy Act, 5 U.S.C.
8 § 552a(b). Dkt. # 132. Defendants argue that nearly all of this information has already been
9 disclosed in other legal proceedings and accordingly that redaction in this case is unnecessary.

10 This is a public court and its business should be conducted publicly unless there is a
11 specific reason to keep materials or testimony confidential. As stated in Local Civil Rule 5(g),
12 “[t]here is a strong presumption of public access to the court’s files.” Accordingly, the Court
13 will grant the relief specifically requested in defendant’s motion and order defendants to redact
14 the information listed in Local Civil Rule 5.2(a). If FDIC-R would like an order requiring
15 redaction of additional material, it may file a motion requesting – and providing sufficient
16 justification for – that relief.

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18 For all of the foregoing reasons, defendants’ motion to submit exhibits under seal and
19 request for instructions (Dkt. # 102) is GRANTED as follows. The documents already filed
20 under seal shall remain sealed. Defendants shall file unsealed versions of those documents
21 within thirty days of the date of this order, redacting all information specified in Local Civil
22 Rule 5.2(a). All other documents filed in this case going forward shall also be redacted as
23 described above.

24 SO ORDERED this 23rd day of May, 2017.

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26 _____
27 Robert S. Lasnik
28 United States District Judge