

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 PETER B., individually and as guardian  
11 of M.B., a minor,

12 Plaintiff,

13 v.

14 PREMERA BLUE CROSS, *et al.*,

15 Defendants.

16 CASE NO. C16-1904-JCC

17 ORDER GRANTING  
18 DEFENDANTS' MOTION TO  
19 SEAL

20 This matter comes before the Court on Defendants' unopposed motion to seal (Dkt. No. 36). Having thoroughly considered the parties' briefing and the relevant record, and finding oral argument unnecessary, the Court hereby GRANTS the motion (Dkt. No. 36) for the reasons explained herein.

21 **I. BACKGROUND**

22 Included with Defendants' motion for summary judgment (Dkt. No. 37) is a declaration  
23 from Gwendolyn Payton (Dkt. No. 38). The declaration contains a number of exhibits (Dkt. Nos. 24 38-1, 39-1, 39-2, 39-3). Exhibit 1 is the Administrative Services Agreement between Microsoft  
25 and Premera Blue Cross (Dkt. No. 39-1). Exhibits 3, 6, 7, 8, 9, and 10 are records purported to  
26 describe the medical condition of a minor, M.B. (Dkt. Nos. 39-2, 39-3). Defendant moves that these exhibits be entered under seal. (Dkt. No. 36.). Plaintiff does not oppose this motion.

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1      **II.    DISCUSSION**

2            “Historically, courts have recognized a ‘general right to inspect and copy public records  
3 and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of  
4 Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435  
5 U.S. 589, 597 (1978)). But that right may be overcome, even in the case of dispositive motions  
6 such as Defendants’ current motion for summary judgment (Dkt. No. 37), if there are  
7 “compelling reasons” for keeping documents included in the motion secret, so long as those  
8 reasons “outweigh the public’s interest in disclosure.” *Id.* at 1178-79.

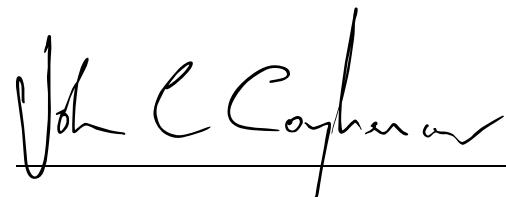
9            The Court has reviewed the records at issue and concludes good cause exists to grant  
10 Defendants’ motion to seal. Exhibit 1 represents confidential and proprietary information and  
11 trade secrets, as well as information about the cost and manner of third-party administrative  
12 services provided by Premera Blue Cross to Microsoft. Disclosure could create anticompetitive  
13 harm. Exhibits 3 and 6–10 represent records protected under the Health Insurance Portability and  
14 Accountability Act of 1996. Confidentiality concerns outweigh the presumption of the public’s  
15 access to such records.

16      **III.    CONCLUSION**

17            For the foregoing reasons, Defendants’ motion to seal (Dkt. No. 36) is GRANTED. The  
18 Clerk is DIRECTED to maintain under seal Exhibits 1, 3, 6–10 of Ms. Payton’s declaration (Dkt.  
19 Nos. 39-2, 39-3).

20            DATED this 19th day of September 2017.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE