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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA VALERIA HARRISON,)
)
Plaintiff,)
)
v.)
)
METROPOLITAN LIFE INSURANCE)
COMPANY, INC., BANK OF AMERICA)
SHORT-TERM DISABILITY PLAN, and)
BANK OF AMERICA CORPORATION)
CORPORATE BENEFITS COMMITTEE,)
)
Defendants.)

Case No. C18-903 RSM

**STIPULATED MOTION AND
ORDER TO FILE THE
ADMINISTRATIVE RECORD
UNDER SEAL**

The parties jointly and respectfully move the Court to allow the filing of the administrative record under seal and stipulate as follows:

1. This matter involves a dispute over Plaintiff’s entitlement to Short-Term Disability benefits pursuant to an ERISA-governed employee benefit plan. The Parties anticipate asking the Court to resolve the matter via dispositive cross-motions. Dkt 11.

2. The original administrative record in this ERISA matter is around 1,000 pages.

3. The administrative record is replete with Plaintiff Maria Harrison’s confidential personal information, including her social security number and date of birth, and consists mainly of her medical records or analysis of, and/or commentary about, her medical records.

4. Under LCR (5)(g)(3)(B), the parties certify they have conferred regarding the filing of the administrative record in this matter under seal. Given the volume of the file

STIPULATED MOTION AND ORDER TO FILE THE
ADMINISTRATIVE RECORD UNDER SEAL - 1
No. 2:18-cv-00903-RSM

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1 materials, and the nature of the contents of the file, it is impracticable to redact the large volume
2 of material that would be necessary to redact if this record is not filed under seal. Attorneys for
3 the Plaintiff, McKean J. Evans, and Defendant, Per D. Jansen, conferred on this issue by email
4 on October 15, 2018. The parties agree to redact irrelevant information such as personal
5 identification information to reduce the amount of material under seal, but there is no way to
6 redact the relevant medical information at issue in this lawsuit, which comprises the bulk of the
7 record.

8 5. The parties agree that Ms. Harrison has a legitimate purpose in keeping her private
9 personal information and medical records private, and that much of the information is actually
10 protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and
11 there is no known reason why this information should be disseminated to the public and no harm
12 to any party will be visited if the Court grants this motion. Ms. Harrison risks the exposure of her
13 most private medical information and resultant harm.

14 6. This Court has previously found that the “need to protect medical privacy
15 qualifies in general as a ‘compelling reason’” to protect medical records and to file them under
16 seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-cv-01569RSM, 2013 WL 5588312,
17 at *1 (W.D. Wash. Oct. 9, 2013) (quoting LCR 5(g) and *Kamakana v. City & Cnty. of Honolulu*,
18 447 F.3d 1172, 1179 (9th Cir. 2006)).

19 7. This Court determined the need to protect medical privacy qualifies as a
20 “compelling reason” to grant a motion to seal even under the heightened “compelling reasons”
21 standard applicable in the context of summary judgment motions. *Id.* *Karpenski* recognized that
22 even if a plaintiff has put her health at issue in a lawsuit, she nonetheless remains entitled to the
23 court’s protection of sensitive medical information. *Id.*; *see also Macon v. United Parcel Serv.,*
24 *Inc.*, No. C12-260 RAJ, 2013 WL 951013, at *5 (W.D. Wash. Mar. 12, 2013) (granting
25 unopposed motion to seal medical records even where plaintiff failed to comply with LCR 5(g)
26 given the “private nature of the documents at issue”). This approach has been followed by district
27 courts throughout the Ninth Circuit. *See, e.g., G. v. Hawaii*, Civ. Nos. 08-00551 ACK-BMK,

1 09-00044 ACK-BMK, 2010 WL 2607483 (D. Haw. June 25, 2010) (granting motion to seal,
2 explaining that “[t]he need to protect medical privacy qualifies as a ‘compelling reason.’”).

3 8. Accordingly, the parties ask this Court to allow for the filing of the administrative
4 record under seal. A proposed order accompanies this motion. The undersigned counsel certify
5 the above facts are true to the best of their knowledge. The parties present the below proposed
6 order granting the above-requested relief.

7
8 DATED: October 16, 2018

9 PIVOTAL LAW GROUP, PLLC

LANE POWELL PC

10
11 By s/ McKean J. Evans per email
authorization

By s/Per D. Jansen

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19 Harrison

Attorneys for Defendants

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ORDER

The Court GRANTS the parties’ joint stipulated motion to file the administrative record under
seal and ORDERS that the clerk file the administrative record under seal in this matter.

DATED this 19th day of October 2018.



RICARDO S. MARTINEZ

CHIEF UNITED STATES DISTRICT JUDGE