IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

BLUE FLAME MEDICAL LLC, Plaintiff, v. CHAIN BRIDGE BANK, N.A., JOHN J. BROUGH, and DAVID M. EVINGER, Defendants.	**Civil Action No. 1:20-cv-00658**
CHAIN BRIDGE BANK, N.A, Third-Party Plaintiff, v. JPMORGAN CHASE BANK, N.A., Third-Party Defendant.	

[PROPOSED] ORDER GRANTING JPMORGAN CHASE BANK, N.A.'S MOTION TO FILE AN UNREDACTED MEMORANDUM IN OPPOSITION UNDER SEAL

Before the Court is JPMorgan Chase Bank, N.A.'s (JPMC's) Motion to File an Unredacted Memorandum in Opposition to Chain Bridge's Motion to Establish the Amount of Indemnified Fees and Expenses to Be Awarded from JPMC Under Provisional Seal (Dkt. No. 199). JPMC requested leave to file its Opposition under provisional seal because it contains information that has been designated as "Confidential" under the stipulated protective order entered in this case. In particular, JPMC's Opposition discusses and quotes from certain billing records that were submitted by Chain Bridge Bank, N.A. (Chain Bridge) in support of its motion to establish the amount of indemnified fees (*see* Dkt. No. 196), and which this Court has already determined should remain under permanent seal (*see* Dkt. No. 197). JPMC has filed a redacted version of its

Opposition on the public docket, which redacts references to the information that Chain Bridge has designated as Confidential. *See* Dkt. No. 203. Chain Bridge has filed a response in support of JPMC's sealing motion, in which it requests that the Court maintain the unredacted Opposition under permanent seal.

The Court has considered JPMC's sealing motion and Chain Bridge's response, and concludes that the requirements for sealing are satisfied here for the same reasons set forth in the Court's prior order concerning Chain Bridge's billing records. *See* Dkt. 197.

"[B]efore a district court may seal any court documents, . . . it must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). Here, the public received notice of the request when JPMC filed the Motion to Seal and accompanying Notice of Motion to Seal on November 18, 2021. *See* L. Civ. R. 5(C); *see also, e.g., E.I. Du Pont de Nemours & Co. v. Kolon Indus., Inc.*, No. 3:09-CV-058, 2012 WL 1415638, at *2 (E.D. Va. Apr. 20, 2012). JPMC and Chain Bridge have not asked the Court to seal JPMC's Opposition in its entirety, but instead seek the "less drastic alternative" of filing the Opposition in redacted form. *See, e.g., ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc.*, No. 2:10-CV-248, 2011 WL 7046021, at *2 (E.D. Va. Dec. 7, 2011).

Moreover, the information at issue is properly viewed as confidential and redacting it will not limit the public's ability to observe and understand these proceedings. Billing records that would "reveal the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided, such as researching particular areas of law, fall within [attorney-

client] privilege." *Chaudhry v. Gallerizzo*, 174 F.3d 394, 402 (4th Cir. 1999) (quoting *Clarke v. American Commerce National Bank*, 974 F.2d 127 (9th Cir. 1992)); *see also Denton v. PennyMac Loan Servs., LLC*, 252 F. Supp. 3d 504, 508 (E.D. Va. 2017) ("Parties are generally entitled to assert privilege and redact records in connection with motions for fees.") (internal quotation marks omitted); *Brown v. Tethys Bioscience, Inc.*, No. CIV.A. 1:10-1245, 2012 WL 252632, at *3 (S.D.W. Va. Jan. 26, 2012) (holding that where "billing records contain information respecting a party's litigation strategy, that information is attorney-client privileged and need not be disclosed. Billing records should be redacted to exclude such information and then disclosed.") (citation omitted).

Accordingly, the Court hereby **GRANTS** the Motion to Seal. The Court **ORDERS** that JPMC's Unredacted Memorandum in Opposition to Chain Bridge's Motion to Establish the Amount of Indemnified Fees and Expenses to Be Awarded from JPMC (Dkt. No. 202) shall be maintained permanently under seal.

IT IS SO ORDERED.

Entered this _____ day of _____ 2021.

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Leonie M. Brinkema
United States District Judge