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 THIRD-PARTY PLAINTIFF CHAIN BRIDGE BANK, N.A.'S MOTION TO FILE UNDER SEAL

Before the Court is Third-Party Plaintiff Chain Bridge Bank, N.A.'s (Chain Bridge) motion file a redacted version of its Reply in Support of its Motion To Establish The Amount Of Indemnified Fees And Expenses To Be Awarded From Third-Party Defendant JPMorgan Chase Bank, N.A. (JPMC), and to maintain the unredacted version of Chain Bridge's Reply under permanent seal. Chain Bridge's Reply discusses and quotes from certain billing records that were submitted by 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). Chain Bridge seeks to file a redacted version of its Reply on the public docket, which redacts references to the information that this Court has previously sealed.

The Court has considered Chain Bridge's motion to seal, 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). The public received notice of the request when Chain Bridge filed the Motion to Seal and accompanying Notice of Motion to Seal on November 29, 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). Chain Bridge has not asked the Court to seal the Reply in its entirety, but instead seeks the "less drastic alternative" of filing the Reply 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 Chain Bridge's unredacted Reply in Support of its Motion to Establish the Amount of Indemnified Fees and Expenses to Be Awarded from JPMC 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