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.	

[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's) Motion to Seal Exhibits 1-4 to the Declaration of Donald Burke In Support Of Third-Party Plaintiff's Motion To Establish The Amount Of Indemnified Fees And Expenses To Be Awarded From Third-Party Defendant JPMorgan Chase Bank, N.A. In the Motion to Seal, Chain Bridge requests leave to file redacted versions of these exhibits, which are Chain Bridge's billing records from its (1) litigation counsel, Robbins, Russell, Englert, Orseck & Untereiner LLP (Robbins Russell), (2) insurance-coverage counsel, Weisbrod Matteis & Copley PLLC, (3) expert consulting firm, Analysis Group, and (4) expert Charles Grice's separate consulting firm, CRI Compliance.

The Court has considered Chain Bridge's Memorandum in Support of the Motion to Seal, which explains that certain entries in these billing records describe the nature of the work performed by attorneys and experts in ways that reflect confidential information that is protected from disclosure by the attorney-client privilege or work-product protection. The Memorandum further explains that public disclosure of this information would be particularly damaging to Chain Bridge because Plaintiff Blue Flame Medical LLC (Blue Flame)—which is not a party to this third-party action over indemnification—has noticed an appeal from the judgment against it in this case, and information in these billing records describes Chain Bridge's litigation approach, research topics, and strategy regarding Blue Flame's claims.

There is a "presumption" favoring public access to court records and documents. Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). "Accordingly, before 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." *Id.*

The Court finds that all requirements for sealing are satisfied here. The public received notice of the request when Chain Bridge filed the Motion to Seal and accompanying Notice of Motion to Seal on October 28, 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 exhibits in their entirety, but instead seek the "less drastic alternative" of filing the exhibits 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).

Lastly, the Court finds that 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). Chain Bridge has not redacted any information on the number of attorney or expert hours, their rates, or the fees incurred for which Chain Bridge seeks indemnification. Chain Bridge has also provided full copies of the four exhibits to JPMC, so JPMC will be provided "an opportunity to review these records and make any objections to the reasonableness of the claimed fees." *Selee Corp. v. McDanel Advanced Ceramic Techs., LLC*, No. 1:15-CV-00129-MR, 2016 WL 9686076, at *1 (W.D.N.C. Dec. 15, 2016).

Accordingly, the Court hereby **GRANTS** the Motion to Seal. The Court **ORDERS** that Exhibits 1-4 to the Declaration of Donald Burke shall be maintained permanently under seal.

IT IS SO ORDERED.

Entered this 29th day of October 2021.

/s/
Leonie M. Brinkema
United States District Judge