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., et al., Defendants.	) 1:20-cv-658 (LMB/IDD)
CHAIN BRIDGE BANK, N.A., Third Party Plaintiff, V. JPMORGAN CHASE BANK, N.A., Third Party Defendant.	

ORDER

Before the Court are third-party defendant JPMorgan Chase Bank, N.A.'s ("JPMorgan") Motion to Seal [Dkt. No. 199], and Chain Bridge Bank, N.A.'s ("Chain Bridge") Motion to Seal [Dkt. No. 205]. Because the Court erroneously granted Chain Bridge's previous Motion to Seal [Dkt. No. 187, 197], which permitted Chain Bridge to file under seal all the invoices supporting its Motion to Establish Indemnified Fees and Expenses, the pending motions will be held in abeyance and the October 29, 2021 Order which permitted Chain Bridge to file the invoices under seal will be vacated.

On October 28, 2021, Chain Bridge filed a Motion to Establish the Amount of Indemnified Fees and Expenses. In support of its motion, Chain Bridge attached its attorney fee invoices, all of which it moved to file under seal. On October 29, 2021, the Court granted that Motion [Dkt. Nos. 187, 197]. The Court was under the impression that it was sealing a limited number of attorney fee invoices which contained sensitive or privileged material, but in fact, it had sealed all of the invoices. See [Dkt. Nos. 190-193]. Because sealing court documents from the public record is considered a "drastic" judicial decision, it requires the Court to weigh the public's right to inspect public records and documents against the requesting party's interest in privacy. See Virginia Dep't of State Police v. Washington Post, 386 F.3d 567, 576 (4th Cir. 2004); Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 598 (1978). It is not the practice of this Court to seal attorney fee invoices in their entirety, because this would inappropriately harm the public's right to inspect court documents. Accordingly, the Order dated October 29, 2021 was entered in error.

Since erroneously granting Chain Bridge's sealing motion, the Court has reviewed the invoices and finds that neither privileged content nor attorney work product is revealed in sufficient detail to prejudice Chain Bridge, given that any references to legal theories or argument should already have been raised in this civil action. The vast majority of entries simply describe the work for which Chain Bridge's lawyers billed their client.

Further, even though Chain Bridge filed all its invoices under seal, several included redacted entries. To the extent that the invoices have been redacted, the Court cannot determine whether the redacted fee entries are related to this civil action, much less whether the fees claimed are fair and appropriate. Only where redactions truly reveal sensitive, privileged, or work product material is it proper to redact material, and if Chain Bridge wishes to claim fees for

those entries, the Court must be able to examine the redacted material. Accordingly, for any entry which Chain Bridge believes it has a genuine basis to seek sealing, it must petition the Court to file that entry under seal. Any entry which Chain Bridge continues to redact from the Court's review will not be included in any fee award.

For the foregoing reasons, it is hereby

ORDERED that the Order granting Chain Bridge's previous Motion to Seal [Dkt. No. 197] be and is VACATED; and it is further

ORDERED that by December 6, 2021, Chain Bridge publicly file the attorney fee invoices [Dkt. Nos. 190-193] supporting its fee petition. If any entry is redacted, that entry will not be considered by the Court unless an unredacted entry is filed under seal for the Court's review. If the Court finds that redaction was not justified, the entry will not be considered; and it is further

ORDERED that the parties' pending motions to seal [Dkt. Nos. 199, 205] be and are HELD IN ABEYANCE until the invoices are filed in the public record as described above. Once the invoices are publicly filed, the pending motions to seal may be moot.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 1st day of December, 2021.

Alexandria, Virginia

/s/
Leonie M. Brinkema
United States District Judge