

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLIED WORLD INSURANCE CO.,	:	
Plaintiff,	:	
v.	:	Civ. No. 18-1951
	:	
LAMB MCERLANE, P.C.,	:	
Defendant.	:	

ORDER

On May 9, 2018, Plaintiff Allied World Insurance Company brought this declaratory judgment action against Defendant Lamb McErlane, P.C. (Doc. No. 1.) On May 10, 2018, Defendant asked me to seal the Complaint (Doc. No. 1) for sixty days because the firm “believes that unnecessary publication of the federal complaint will have a deleterious effect on the efforts being made” to settle a related action between the Parties in York County. (Letter from Guy A. Donatelli to Chambers of Judge Paul S. Diamond, Ex. A.)

The First Amendment protects the public’s right to access court documents, including pleadings in a civil action. Darkins v. Continental Airlines, Inc., No. 10-6165, 2013 WL 3285049, at *2 (D.N.J. June 27, 2013). “[T]he party seeking to seal any part of a judicial record bears the heavy burden of showing that the ‘material is the kind of information that courts will protect’ and that ‘disclosure will work a clearly defined and serious injury to the party seeking closure.’” Rose v. Rothrock, No. 08-3884, 2017 WL 1175614, at *7 (E.D. Pa. Apr. 29, 2009) (quoting Miller v. Indiana Hosp., 16 F.3d 549 (3d Cir. 1994)); see also Jewitt v. IDT Corp., No. 04-1454, 2004 WL 7321367, at *2 (D.N.J. Aug. 9, 2004) (“The injury claimed by the party seeking closure must be stated with specificity; ‘broad allegations of harm, bereft of specific examples or articulated reasoning, are insufficient.’” (quoting In re Cendant Corp., 260 F.3d 183 (3d Cir. 2001))).

Because Defendant has not shown that the Complaint contains the kind of material that courts protect and that disclosure will work a specific harm that outweighs the public's right of access, I will deny Defendant's request.

AND NOW, this 11th day of May, 2018, upon consideration of Defendant's unopposed Letter Request (Ex. A) dated May 10, 2018, seeking to seal the record for sixty days, it is hereby **ORDERED** that Defendant's Letter Request (Ex. A) is **DENIED**.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.

Exhibit A
LAMB | McERLANE PC
ATTORNEYS AT LAW

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May 10, 2018

Richard Thieme
Secretary/Courtroom Deputy for the Honorable Paul S. Diamond
Room 14614, Courtroom 14-A
United States Courthouse
601 Market Street
Philadelphia, PA19106-1743

Re: *Allied World Insurance Company vs. Lamb McErlane, PC, No. 2:18-cv-1951*

Dear Mr. Thieme:

I represent the Defendant, Lamb McErlane PC (the Law Firm") in the above matter. Robert B. Bodzin, Esquire represents the Plaintiff, Allied World Insurance Company ("Allied"). This matter was instituted yesterday and has been assigned to Judge Diamond. The complaint filed just became available on the electronic dockets. The purpose of this letter is to request a time that Judge Diamond might be able to hear Defendant's request to seal the record for 60 days before the complaint becomes generally available. I have already spoken with Mr. Bodzin who has agreed to an Order to Seal as set forth in the attached Stipulation.

Briefly put, and very generally, the issue arises out of a dispute between the parties relating to insurance coverage obligations of the Law Firm by Allied relating to an action pending against the Law Firm and others in York County. We are actively trying to resolve the issues raised in that action as well as in the instant case, which are intertwined as might be expected. The Law Firm believes that unnecessary publication of the federal complaint will have a deleterious effect on the efforts being made. The Law Firm believes that there is good cause to seal the record for a short period pursuant to Federal Rules Of Civil Procedure 5.2(d) and 5.2(e)(2) and that the request is consistent with established precedent. *Zemel v. Rusk*, 381 U.S. 1, 16-17 (1965) ("The right to speak and publish does not carry with it the unrestrained right to gather information."); *see also Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33-34 (1984) (pre-trial materials properly excluded from public access). Thank you.

Respectfully,


Guy A. Donatelli

Enclosure

CC: Robert B. Bodzin, Esquire
Joel L. Frank, Esquire

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

ALLIED WORLD INSURANCE COMPANY : Civil Action
 :
v. : NO. 2:18-cv-1951
 :
LAMB MCERLANE PC :

**STIPULATION TO SEAL TEMPORARILY THE RECORD PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 5.2(d) AND 5.2(e)(2)**

Plaintiff Allied World Insurance Company and Defendant Lamb McErlane PC, by and through their respective undersigned counsel, stipulate and agree that for a period of sixty (60) days (until July 9, 2018), the Complaint and exhibits thereto, shall be sealed and unavailable to nonparties and that any filing made shall similarly be under seal and unavailable to nonparties.

KLEINBARD LLC

LAMB McERLANE PC

By: /s/ Robert B. Bodzin
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Attorney for Plaintiff

Attorney for Defendant