

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JENNIFER FORD, ERIC BEARD,)
and BRIAN OTTERS, individually)
and on behalf of all others similarly)
situated,)

Plaintiffs,)

v.)

1:23-CV-756

VETERANS GUARDIAN VA)
CLAIM CONSULTING, LLC,)

Defendant.)

ORDER

The defendant Veterans Guardian VA Claim Consulting, LLC seeks to seal certain information in the briefing and exhibits submitted in connection with the plaintiffs' motion for class certification. The motion to seal, as amended, is denied because Guardian has not met the common law standard for sealing information associated with a class certification motion. *See* Doc. 146 at 3–4.

The Court need not lay out the rather convoluted procedural history of the motion to seal. The original motion to seal, Doc. 72, was terminated as moot, Text Order 02/06/2026, and this order resolves the amended motion to seal, Doc. 140, which narrowed the items subject to the motion. *See* Doc. 139. Guardian has supported the amended motion with a brief, Doc. 141, and a declaration under oath. Doc. 142.

Almost all of the evidence Guardian seeks to seal is financial information in and derived from a Guardian spreadsheet. As is relevant here, for each of Guardian's veteran-

clients, the spreadsheet contains the total amount each client has paid and still owes to Guardian, plus the amount by which the client’s disability benefits increased after the Guardian-assisted claim was filed.¹ Doc. 75-1. Guardian seeks to seal that information, *id.*, along with monetary amounts derived from spreadsheet contained in the plaintiffs’ brief, Doc. 75 at 6, 10, and in an expert report. Doc. 75-6 at 15–16. The plaintiffs have responded in opposition. Doc. 149. The motion is ripe for decision.

The Court adopts by reference the applicable law set forth in an earlier order. Doc. 146.

The amended motion to seal is denied as to all of the monetary amounts because Guardian has not shown that “countervailing interests heavily outweigh the public interests in access” to the information at issue. *See United States ex rel. Oberg v. Nelnet, Inc.*, 105 F.4th 161, 171 (4th Cir. 2024). The monetary amounts help explain the scope of Guardian’s operations, assisting the public and the putative class members in understanding why this case might matter more than a class action where the relief is likely to be a \$10 credit or a BOGO coupon. It allows the public to understand why a regulation limiting the fees accredited agents can charge is rational. The fees charged are relevant to whether Guardian is an agent, one of the key issues in the case. *See* Doc. 146 at 6. The increased benefit amounts are relevant, as Guardian has repeatedly claimed that its clients have benefited from its services.

¹ The spreadsheet contains columns for other information irrelevant to the motion to seal. The names of the veteran-clients have been redacted appropriately as irrelevant at this stage, and no motion to seal that column is necessary.

Guardian generally asserts that its competitive standing and legislative efforts will be harmed by public disclosure, Doc. 141 at 13–15; Doc. 142 at ¶¶ 13–15, but it does not provide any specifics of how this information could be used to harm its interests.

Guardian may keep these numbers confidential, but obviously individual clients know their own fees and benefits and there is no evidence they are obliged to keep that information secret. *See* Doc. 146 at 5. Even under the less demanding common law standard, generalized claims of injury to reputation are insufficient to justify sealing. *See Doe v. Pub. Citizen*, 749 F.3d 246, 269–70 (4th Cir. 2014).

Guardian contends that because the Court did not mention this evidence in its order granting class certification, it is irrelevant and should be sealed. Doc. 141 at 10–11. First, the fact that evidence was not mentioned does not mean it was not considered. Second, and more importantly, the Fourth Circuit has rejected Guardian’s argument, holding that the public’s right of access to documents submitted with motions to courts applies despite lack of “judicial reliance” on the documents. *See Oberg*, 105 F.4th at 172–73 & n.10.

Guardian also seeks to seal one of its targeted search terms used to direct advertising and referenced in an expert report filed by the plaintiffs. Doc. 75-6 at 24. Guardian pays to have sponsored search results – essentially advertisements – appear in online search engines when a person searches particular key words. *Id.* The phrase Guardian seeks to redact is one of the searched phrases that causes its sponsored search result to appear. *Id.* This information is relevant because it tends to show how Guardian diverts internet traffic away from free help offered by veterans service organizations with

disability applications and towards its own, allegedly illegal and very expensive, services. Doc. 52 at ¶¶ 44, 188, 190, 222.

Guardian contends that it would be harmed by disclosure of this term because competitors could then buy advertising using the same search term. Doc. 142 ¶ 16. But the search term is an obvious term to use if one is looking to obtain a high listing in search results responsive to a search for veterans service groups. Guardian's general claims of harms to its competitive standing and reputation, *id.*, are insufficient to overcome the public's right of access. *See Pub. Citizen*, 749 F.3d at 269–70.

It is **ORDERED** that the defendant's amended motion to seal, Doc. 140, is **DENIED** as follows:

1. The updated version of the spreadsheet, Doc. 75-1, that redacts only client names and that was filed with the Clerk by the plaintiffs via usb drive on January 29, 2026, is available to the public at the courthouse. If the parties wish to have the usb drives filed with different versions of Doc. 75-1 returned to them, they shall pick them up from the courthouse no later than April 3, 2026. If they are not picked up by that date, the Clerk's office will destroy them.
2. The Clerk **SHALL UNSEAL** the 30-page brief at Doc. 75 titled "Memorandum of Law in Support of Plaintiffs' Motion for Class Certification."
3. The plaintiffs **SHALL** provide the Clerk's office with an updated, public version of the expert report at Doc. 75-6 redacting only the names of

Guardian clients who are not plaintiffs. The Clerk **SHALL** replace Doc.
75-6 with the provided, public copy.

This the 6th day of March, 2026.


UNITED STATES DISTRICT JUDGE