

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,)

Plaintiff,)

v.)

1:23-CV-756

VETERANS GUARDIAN VA)
CLAIM CONSULTING, LLC,)

Defendant.)

ORDER

In this consumer protection case, two motions to seal documents filed in connection with summary judgment remain pending. Docs. 107, 112. The public has a First Amendment right of access to such materials, unless sealing serves a compelling interest. *See* Doc. 146 at 4. The motions will be granted as to personal identifying information, medical information, and personal financial information but denied as to Guardian’s revenue and fee information.

In the first motion to seal, the parties agree that it is appropriate to seal exhibits containing extensive medical and personal information about the plaintiffs.¹ While relevant to the summary judgment motion, the exhibits are not crucial or directed to key factual issues. For example, the exhibit of Ms. Ford’s answers to Guardian’s survey

¹ This motion is directed to eight documents in full and three documents in part. Doc. 107. *see also* charts *infra*.

questions about her disabilities and symptoms was cited once in Guardian’s brief. *See* Doc. 104 at 11 (citing exhibit B-4). The details of her health and other private information are not in dispute.

The plaintiffs’ interest in maintaining confidentiality of their medical records overcomes the First Amendment right of public access because the motion is narrowly tailored to seal only private medical records that are not necessary for public understanding of the legal or factual issues in the case. *See Boone v. Bd. of Governors of Univ. of N.C.*, 395 F. Supp. 3d 657, 665 (M.D.N.C. 2019).

The motion, Doc. 107, will be granted, and the following exhibits will be sealed as detailed.

Exhibits Sealed in Full		
Public Placeholder	Sealed Version	Exhibit Number
106-5	108-2	B-4
106-6	108-3	B-5
106-8	108-4	B-7
106-12	108-6	C-4
106-13	108-7	C-5
106-14	108-8	C-6
106-19	108-10	D-4
106-20	108-11	D-5

Exhibits Sealed in Part		
Redacted Public Version	Sealed Version	Exhibit Number
106-2	108-1	B-1
106-9	108-5	C-1
106-16	108-9	D-1

The second motion involves Guardian’s request to seal portions of the plaintiffs’ brief and three exhibits in support of their summary judgment motion. Doc. 112. Pursuant to the default practice in the Local Rules that apply when one party files materials subject to a claim of confidentiality asserted by another party, *see* LR 5.4, the plaintiffs filed the motion to seal because Guardian had designated these materials as confidential during discovery and maintained those confidentiality claims. *See* Doc. 112 ¶¶ 2–7; *see generally* LR 5.4. Guardian thus bears the burden to show that sealing is appropriate. *See* LR 5.4.

Guardian has since narrowed its request to seal and provided evidence to support that request. Doc. 118 (response), Doc. 119 (declaration). Guardian seeks to seal

-- (1) two short statements in the plaintiffs’ brief that discuss the amount of money alleged to be “unlawfully taken” by Guardian and the amount of money distributed to Guardian’s owners, Doc. 119-1 at 9, 11–12 (updated, redacted public version), Doc. 120 at 8, 10–11 (sealed version), and

-- (2) columns that list the full names of its employees on three spreadsheets of call logs. Doc. 119-2 (public placeholder); Docs. 122, 122-1 (sealed version).

The plaintiffs “do not support the Defendant’s assertions that the materials are confidential,” Doc. 112 at ¶ 6, but they have filed nothing specific in opposition.

In connection with other motions to seal, the Court has already held that Guardian’s revenue and fee information related to class members should not be kept secret. *See* Doc. 153 at 2–3; Doc. 146 at 5–6; Doc. 75-1. For the same reasons, the motion to seal, Doc. 112, will be denied as to the statement about total fees charged. *See* Doc. 146 at 5–6; Doc. 153 at 2–3.

As to the statement about the owner’s income, the motion will be granted. At this stage, there is nothing to indicate that the amount of money an owner of Guardian makes is relevant, and indeed, the evidence cited to support this fact has since been redacted from the case because it was unnecessary. *See* Doc. 119-1 at 11–12 (citing Taylor Dep. Tr. 301:22; 302:1–16); Doc. 73-2 at 39–40 (redacting the amount of income from the case record). Personal financial information is often appropriately kept sealed. *See e.g. 360 Mortg. Grp., LLC v. Stonegate Mortg. Corp.*, No. 14-CV-310, 2016 WL 3030166, at *8 (E.D.N.C. May 25, 2016) (stating that “‘individuals’ privacy interests in their own personal financial information have been found sufficiently compelling to overcome the First Amendment presumption of access.”). Here, the owner’s interest in maintaining confidentiality of his income overcomes the First Amendment right of public access; the motion is narrowly tailored to only seal a short statement about his income that is not necessary for public understanding of the case. Thus, the motion, Doc. 112, will be granted as to the statement about the owner’s income.

Turning to the spreadsheets showing calls to the VA, Guardian's counsel represents that the employees listed in the spreadsheets have not been involved in this case, Doc. 118 at 8, and there is nothing to indicate that they will be witnesses. While the fact that Guardian employees called the VA many times seems relevant to the summary judgment briefing, the names of the employees who made the calls are not necessary for public understanding of the case. The motion is narrowly tailored to redact only the columns of the employee names. At this point, the privacy rights of those employees outweigh the First Amendment right of public access. *See Dorrbecker v. Mincey*, No. 21-CV-1953, 2021 WL 12143012, at *3 (D.S.C. Nov. 16, 2021) (Mag. J., order) (citing *Doe v. Pub. Citizen*, 749 F.3d 246, 269 (4th Cir. 2014)). The motion to seal, Doc. 112, will be granted as to the updated spreadsheet redactions.

The motion to seal at Doc. 107 is **GRANTED**, and the motion to seal at Doc. 112 is **GRANTED** in part and **DENIED** in part. It is **ORDERED** that:

1. The Clerk **SHALL** unseal Docs. 113-1 and 113-2, as the parties no longer wish to keep those documents under seal.
2. The Clerk **SHALL** maintain Docs. 108-1, 108-2, 108-3, 108-4, 108-5, 108-6, 108-7, 108-8, 108-9, 108-10, 108-11, 120, 122, and 122-1 under seal until March 10, 2056, at which time said documents shall be unsealed unless a motion to extend the seal has been filed no later than February 10, 2056.
3. The plaintiffs **SHALL** provide an updated, public version of their summary judgment brief in accordance with this order redacting only the statement

about the owner's income on ECF pages 10–11. The Clerk **SHALL** replace doc. 110 with that provided brief.

4. The Clerk **SHALL** maintain Doc. 113 under seal until March 10, 2036, at which time the document shall be unsealed unless a motion to extend the seal has been filed no later February 10, 2036.
5. The updated public versions of the spreadsheets, Doc. 119-2, that redact only the employee names and that were filed via usb drive on September 19, 2025, are available to the public at the courthouse.

This the 9th day of March, 2026.


UNITED STATES DISTRICT JUDGE