

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<p>IN RE: ZELIS REPRICING ANTITRUST LITIGATION</p> <p>This Document Relates To:</p> <p>All Associated Cases</p>	<p>Lead Action Case No.: 1:25-cv-10734-BEM</p> <p><i>Consolidated with Case Nos.:</i></p> <p><i>1:25-CV-11092-BEM</i></p> <p><i>1:25-CV-11167-BEM</i></p> <p><i>1:25-CV-11537-BEM</i></p>
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**PLAINTIFFS’ MOTION FOR LEAVE TO FILE  
UNREDACTED MATERIALS UNDER SEAL**

Pursuant to Local Rule 7.2, Plaintiffs hereby move for leave to file under seal Plaintiffs’ Surreply Memorandum in Opposition to Defendant Elevance Health, Inc.’s (“Elevance”) Motion to Compel Arbitration. Plaintiffs understand that Elevance considers the information in its Exhibits, which are quoted in the Memorandum, to be confidential and proprietary. For example, Elevance filed under seal contracts and related materials involving American Specialty Health (“ASH”) entities. Accordingly, Plaintiffs seek leave to file the Surreply Memorandum under seal and respectfully request that the Court grant this motion.

**I. ARGUMENT**

It is well established that “the public has a right of access to judicial records.” *Siedle v. Putnam Inv. Inc.*, 147 F.3d 7, 9–10 (1st Cir. 1998). However, the right to access “is not unfettered.” *Id.* at 10. “Important countervailing interests can, in given instances, overwhelm the usual presumption and defeat access.” *Id.* When a party requests a seal order, the court “must carefully balance the competing interests that are at stake in the particular case.” *Id.* The trial court has “considerable leeway” in making its decision. *Id.*

A party seeking to seal materials may “overcome the presumption of public access” by “demonstrat[ing] significant countervailing interests, like the existence of trade secrets in the documents or confidential business information.” *Bradford & Bigelow, Inc. v. Richardson*, 109 F. Supp. 3d 445, 448 (D. Mass. 2015); *see also Kamakana v. City & Cnty. of Honolulu*, 447 F.3d

1172, 1179 (9th Cir. 2006) (“In general, compelling reasons sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such court files might have become a vehicle for improper purposes, such as the use of records to . . . release trade secrets.” (internal citations and quotations omitted)).

**A. Compelling Reasons Exist to Seal the Proposed Sealed Material.**

Compelling reasons exist to seal ASH entities’ confidential information, which Elevance Health has itself moved to file under seal. [ECF Nos. 150; 151]. Several of the exhibits are ASH contracts and related materials, which Elevance has stated are “Confidential” and “raise the same confidentiality concerns as the exhibits that the Court previously sealed.”[ECF No. 151 at 2]. For instance, the exhibits contain “business information” whose disclosure “might harm” an entity’s “competitive standing.” *See id.* (citing *In re Gitto Global Corp.*, 422 F.3d 1, 6 (1st Cir. 2005)). The Plaintiffs’ Memorandum quotes material from those exhibits.

Courts routinely seal the type of confidential business information that Plaintiffs seek to seal here. *Valassis Comms, Inc. v. News Corp.*, 2019 WL 10984156, \*2 (S.D.N.Y. Mar. 11, 2019) (granting motions to seal specific contract provisions that “address[ed] exclusivity arrangements, profit sharing details, pricing of contracts . . . payment terms, and [] commissions.”). The Court in *Valassis* found “that the presumption of access is low and does not outweigh [the Movants’] business interest in protecting the information.” *Id.* *See also Sheetz, Inc. v. City of Centerville*, 2025 WL 1413727, \*3 (S.D. Ohio May 15, 2025) (granting Plaintiffs motion to seal or redact contract where Plaintiffs “compelling interest outweighs the public interest in release of the confidential information[.]”); *Glass Dimensions, Inc. v. State St. Corp.*, 2013 WL 6280085, at \*1 (D. Mass. Dec. 3, 2013) (sealing appropriate where “Defendants . . . have a legitimate and significant interest in protecting the sensitive business information” and “[m]aintaining the [material under seal and redacted] will avoid the serious competitive injury that dissemination would more than likely entail.”).

Sealing is appropriate where, as here, public disclosure of this type of confidential information would be detrimental to one or more entities' business, and due to the nature of the materials to be sealed, there is no less restrictive alternative to filing the materials under seal. *See, e.g., Pfizer Inc. v. Teva Pharms. USA, Inc.*, 2009 WL 2256484, at \*1 (D.N.J. July 28, 2009). Public disclosure of sensitive technical and commercial information poses a particular risk of harm in highly competitive markets, such as the healthcare industry. *See, e.g., Biomarin Pharm. Inc. v. Par Pharm., Inc.*, 2017 WL 11635034, at \*1 (D.N.J. Jan. 19, 2017) (“public disclosure of [business development and technical information] would give competitors an unfair advantage in the [marketplace].”).

For the foregoing reasons, compelling reasons exist to seal the Surreply Memorandum of Law in Opposition to Defendant Elevance Health, Inc.'s Motion to Compel Arbitration.

## **II. PERIOD OF IMPOUNDMENT**

Pursuant to Local Rules 7.2(a) and (b), the proposed sealed documents should be impounded until further order of the Court, at which time Plaintiffs request that the Court notify Plaintiffs' and Elevance's counsel.

## **III. CONCLUSION**

For the foregoing reasons, Plaintiffs respectfully request the Court grant Plaintiffs' motion.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Under Local Rule 7.1(a)(2), the undersigned certifies that counsel for Plaintiffs conferred with counsel with Elevance Health, Inc. via email on October 24, 2025, and attempted in good faith to resolve or narrow the issues, and Elevance has no objection to the relief requested

Dated: October 24, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Richard M. Paul III, attorney for the Plaintiffs, certify that, on October 24, 2025, I caused a copy of the foregoing to be served, via ECF, on all counsel of record.

/s/ Richard M. Paul III