

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

HEALTH CARE SERVICE CORPORATION,
A MUTUAL LEGAL RESERVE COMPANY,

Plaintiff,

vs.

NEUROMONITORING ASSOCIATES, LLC,
PHYSICIAN OVERSIGHT, LLC, and
MONITORING ASSOCIATES LLC,

Defendants.

Case No.

**MOTION FOR LEAVE
TO FILE UNDER SEAL**

INTRODUCTION

Pursuant to Local Rule CV-5(a)(7), Plaintiff Health Care Service Corporation (“HCSC”) moves the Court to file its Complaint under seal.

This action relates, in part, to a fraudulent scheme by which Defendants abused federal legislation to initiate statutory out-of-network payment disputes for claims, services, and items that were ineligible for the Independent Dispute Resolution (“IDR”) processes they were submitted into so that Defendants could secure excessive funds from HCSC and its plan sponsors. Accordingly, the Complaint includes references to the specific rates that HCSC reimbursed certain at-issue medical services. These reimbursement rates are confidential, proprietary, and non-public because their disclosure would put HCSC at a competitive disadvantage in future negotiations with healthcare providers. Accordingly, HCSC seeks leave to file its Complaint under seal. HCSC will immediately file a public version of the Complaint with limited redactions to protect its confidential information in compliance with Local Rule CV-5(a)(7)(E).

LEGAL STANDARDS

Although the public has a common law right to view judicial records, this “right is not absolute.” *Cunningham v. Concentrix Sols. Corp.*, No. 4:20-cv-661, 2021 WL 3190518, at *2 (E.D. Tex. July 28, 2021). “In deciding whether to seal [judicial records], the [c]ourt must balance the common law right of access to judicial records with the purported interest in sealing the record.” *Id.* “The Court considers the relevant facts and circumstances of the particular case, and weighs the interests advanced by the parties in light of the public interest and the duty of the courts.” *Id.* (internal quotations omitted).

ARGUMENT

There is ample justification to grant HCSC leave to file its Complaint under seal because it contains sensitive reimbursement rate information, the disclosure of which would put HCSC at a competitive disadvantage in future negotiations with healthcare providers.

Courts regularly permit such pricing or rate information to be filed under seal.¹ For instance, in *Saint Alphonsus Med. Ctr.--Nampa, Inc. v. St. Luke's Health Sys., Ltd.*, the court considered the sealing of portions of various materials related to a healthcare dispute. No. 1:12-CV-00560-BLW, 2014 WL 3101716, at *1–3 (D. Idaho July 3, 2014). As it relates to a “[m]emo” that contained “the specific results of an agreement between these parties on various reimbursement rates[,]” the Court found that there is “compelling reason to seal this because it reveals current and future specific

¹ This includes in complaints as well. For instance, in *Blackhawk Network Inc. v. SL Card Co. Inc.*, the plaintiff sought “leave to file two paragraphs” of a complaint “under seal because they contain proprietary and confidential information concerning how Plaintiff prices its services to its customers.” No. CV-21-00813-PHX-MTL, 2021 WL 2779497, at *2 (D. Ariz. July 2, 2021) (internal quotations omitted). The plaintiffs alleged, *inter alia*, “the release of this information would cause competitive harm because the information reveals details about how [Plaintiff] prices its products.” *Id.* (internal quotations omitted). In response, the Court found that “public disclosure of this confidential pricing information would cause Plaintiff competitive harm such that Plaintiff has demonstrated compelling reasons for sealing the information.” *Id.*

rate information that will harm Blue Cross’s negotiating ability with other providers.” *Id.* at *4.

Here too, HCSC’s Complaint contains references to reimbursement rates that HCSC reimbursed various at-issue services rendered by providers in Texas and elsewhere. If these rates were disseminated or publicly disclosed, it “will harm [HCSC’s] negotiating ability with other providers.” *Id.* Against this clear harm, there is *de minimis*, if any, benefit to public access to these reimbursement rates. The publicly available version of the Complaint enables the public to view the allegations and claims for relief and understand the fraudulent scheme at issue. Moreover, as can be seen in the public version of the Complaint, HCSC has only redacted limited portions of the Complaint which include specific references to these reimbursement rates. *See JBS Packerland, Inc. v. Phillips Cattle Co., Inc.*, No. 24-CV-01299-BAS-MSB, 2024 WL 4427794, at *2 (S.D. Cal. Oct. 4, 2024) (granting motion to seal where the “proposed redactions are narrow and appropriate”).

CONCLUSION

For the foregoing reasons, HCSC respectfully requests that this Court enter an Order, granting HCSC leave to file its Complaint under seal.

Dated: February 18, 2026

By: /s/ Geoff Culbertson

PATTON, TIDWELL & CULBERTSON

Kelly B. Tidwell
Texas Bar No. 20020580
Geoffrey P. Culbertson
Texas Bar No. 24045732
2800 Texas Boulevard
PO Box 5398
Texarkana, TX 75505
Telephone: (903) 792-7080
Facsimile: (903) 792-8233
kbt@texarkanalaw.com
gpc@texarkanalaw.com

&

ROBINS KAPLAN LLP

Jamie R. Kurtz* (Lead Attorney)
JKurtz@RobinsKaplan.com
Nathaniel J. Moore*
NMoore@RobinsKaplan.com
John K. Harting
JHarting@RobinsKaplan.com
Kyle D. Nelson*
KNelson@RobinsKaplan.com
Jacqueline R.D. Fielding*
JFielding@RobinsKaplan.com
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
P: 612.349.8500

*Application for *pro hac vice* admissions
forthcoming

*Attorneys for Plaintiff Health Care Service
Corporation*

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 18th day of February 2026, with this document via the Court's CM/ECF system.

/s/ Geoff Culbertson
Geoffrey Culbertson

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**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
UNDER SEAL**

Pending before the Court is Plaintiff Health Care Service Corporation's ("HCSC") motion for leave to file its Complaint under seal. Having reviewed HCSC's motion and supporting arguments and authorities, the Court finds that public disclosure of the confidential reimbursement rates in the Complaint would place HCSC at a competitive disadvantage in future negotiations with providers. Accordingly, the Court finds good cause to grant the motion. It is hereby

ORDERED:

1. HCSC's Motion for Leave to File Under Seal is **GRANTED**; and,
2. The clerk shall maintain HCSC's Complaint under seal.

So Ordered.