

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: ZELIS REPRICING ANTITRUST
LITIGATION

This Document Relates to:

All Actions

Lead Action Case No.: 1:25-cv-10734-BEM

Consolidated with Case Nos.:

1:25-cv-11092-BEM

1:25-cv-11167-BEM

1:25-cv-11537-BEM

**DEFENDANTS' ASSENTED-TO MOTION FOR
LEAVE TO FILE EXHIBITS UNDER SEAL**

Pursuant to Local Rule 7.2 of the United States District Court for the District of Massachusetts (the "Local Rules"), Defendants Zelis Healthcare, LLC, Zelis Claims Integrity, LLC, Zelis Network Solutions, LLC, Aetna, Inc., The Cigna Group, Elevance Health, Inc., Humana Inc., and UnitedHealth Group, Inc. (together, "Defendants") respectfully move this Court for leave to file under seal Exhibits 3-5, 8, 10, and 12 to the Declaration of Matthew L. McGinnis in Support of Defendants' Motion to Compel Production of Documents (the "Exhibits"). The Exhibits were designated as "Highly Confidential – Outside Counsel Only" because they contain information regarding Plaintiffs' structured data fields, which Plaintiffs had previously so designated. While Defendants do not have any confidentiality interest in Plaintiffs' information, Defendants at this time do not dispute Plaintiffs' designation; to safeguard Plaintiffs' confidentiality interests, whether that information appears in Defendants' or Plaintiffs' correspondence, Defendants respectfully request that the Court grant this motion and impound the sealed documents until further ordered by this Court.

In support of this motion, Defendants rely on all pleadings and papers of record to date and further state as follows:

1. Defendants are filing today their Motion to Compel Production of Documents (the “Motion to Compel”) pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37.1 in connection with Plaintiffs’ refusal to produce certain discovery materials responsive to Defendants’ First Set of Requests for Production to Plaintiffs. The Motion to Compel requests that the Court compel Plaintiffs to produce documents that are directly relevant to core factual questions in this case and that the Court has already acknowledged in its motion to dismiss decision require discovery. Defendants cite and refer to the Exhibits in support of their Motion to Compel.

2. On July 8, 2026, this Court so-ordered and entered the Stipulated HIPAA-Qualified Protective Order (the “Protective Order”) in this matter. *See* ECF 253. The Protective Order “does not, by itself, authorize the filing of any document under seal,” but permits a party to file a motion to seal when filing confidential material with the Court. *Id.* ¶ 19.

3. The Exhibits Defendants seek to file under seal consist of correspondence between the parties regarding the issues raised in the Motion to Compel; that correspondence also includes information regarding Plaintiffs’ structured data fields that Plaintiffs previously designated as “Highly Confidential – Outside Counsel Only” under the Protective Order. Pursuant to the Protective Order, such a designation reflects Plaintiffs’ reasonable and good-faith belief that such information comprises either “highly sensitive current trade secrets or other current highly sensitive confidential information,” where disclosure of such information “would result in specific demonstrable competitive harm, or cause material harm to the legitimate business interests,” of Plaintiffs. *Id.* ¶ 3(b). Defendants used this designation when discussing Plaintiffs’ structured data fields and other materials in Defendants’ correspondence to Plaintiffs.

4. Courts routinely recognize that “the right to inspect and copy judicial records is not absolute,” and that non-public, sensitive documents may be protected from public disclosure if

“good cause” exists to keep that information confidential. *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); accord Fed. R. Civ. P. 26(c). Good cause exists where the moving party demonstrates “the harm that would be sustained if the court did not allow the filing under seal.” *Dunkin Donuts Franchised Rest., LLC v. Agawam Donuts, Inc.*, No. 07-11444, 2008 WL 427290 at *1 (D. Mass. Feb. 13, 2008) (citations omitted).

5. Moreover, the presumptive right of public access may be more readily overcome where, as here, the filing relates to “issues where there is no tradition of public access, like motions about discovery matters.” *Bradford & Bigelow, Inc. v. Richardson*, 109 F. Supp. 3d 445, 448 (D. Mass. 2015); *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 11 (1st Cir. 1986) (“We think it is clear and hold that there is no right of public access to documents considered in civil discovery motions.”).

6. Courts have also recognized that public access to judicial records may be denied to prevent competitive harm that could result from the disclosure of confidential business information. See, e.g., *Nixon*, 435 U.S. at 598 (“[C]ourts have refused to permit their files to serve as sources of business information that might harm a litigant's competitive standing.” (citation modified)); *Glass Dimensions, Inc. v. State St. Corp.*, No. 10-10588, 2013 WL 6280085, at *1 (D. Mass. Dec. 2, 2013) (“Defendants . . . have a legitimate and significant interest in protecting the sensitive business information in the spreadsheet and in protecting the redacted information in the various documents. Maintaining the spreadsheet under seal and continuing the redaction of the foregoing information will avoid the serious competitive injury that dissemination would more than likely entail.” (citation omitted)).

7. In this instance, the balance of competing interest militates in favor of sealing the exhibits. This motion seeks to leave to file under seal materials filed in support of a motion for discovery in a civil matter, where the public has no presumptive right to access the confidential

information underlying such a motion. *See Anderson*, 805 F.2d at 13. In addition, by designating information regarding their structured data as “Highly Confidential – Opposing Counsel Only,” Plaintiffs have represented that they believe these exhibits contain “highly sensitive current trade secrets or other current highly sensitive confidential information.” ECF 253 at 3. Defendants do not dispute this designation at this time. Under these circumstances, the sealing of the Exhibits is appropriate.

8. Counsel for Defendants contacted counsel for Plaintiffs regarding this motion to seal; Plaintiffs (through counsel) have assented to this motion.

9. Defendants’ request for leave to file under seal is made in the interest of justice and not for the purpose of delay or obstruction. No prejudice to Plaintiffs will result, since Plaintiffs have assented to this motion, which seeks to protect the confidentiality of Plaintiffs’ information.

WHEREFORE, Defendants respectfully request that the Court enter an order granting Defendants leave to file the Exhibits under seal until further order by the Court.

Dated: August 31, 2026

Respectfully submitted,

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certifies that Defendants conferred with Plaintiffs through their respective counsel regarding this motion; counsel for Plaintiffs informed undersigned counsel that they assent to this motion.

Dated: August 31, 2026

Respectfully submitted,

/s/ Matthew L. McGinnis
Matthew L. McGinnis

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2026, I caused a copy of the foregoing motion and memorandum and exhibits in support thereof to be served, via ECF, on all counsel of record.

Dated: August 31, 2026

/s/ Matthew L. McGinnis
Matthew L. McGinnis