

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

L.N.P.)
on his own behalf and on behalf of his)
dependent children P.D.P. and L.D.P.)
and on behalf of all others similarly situated)
)
Plaintiffs,)
)
- versus -) Case No. 1:24-cv-01196 (MSN/IDD)
)
FRANK BISIGNANO,)
Commissioner of Social Security Administration,)
et al.,)
)
Defendants.)
)

**PLAINTIFFS' MOTION TO FILE UNDER SEAL EXHIBITS
TO PLAINTIFFS' THIRD STATUS REPORT**

Pursuant to Local Civil Rule 5(C) Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P., and on behalf of all others similarly situated (Plaintiff L.N.P. and the class are referenced herein collectively as the “Plaintiffs”) hereby respectfully moves this Court for permission to file under seal Exhibits A to Plaintiffs’ Third Status Report. Additionally, this Court has already sealed an earlier version of this same document and should do so again here (Dkt. 116).

As set forth more fully in Plaintiffs’ Memorandum in Support of this Motion, Plaintiffs’ Third Status Report is accompanied by Exhibit A, which contains personally identifiable information of children and others who receive social security benefits, including their names, and other related data that is highly sensitive and confidential. This data was produced by the Social Security Administration as “CONFIDENTIAL” pursuant to a Stipulated Protective Order, Dkt. No. 83. Filing under seal is therefore necessary to preserve the anonymity of the

social security beneficiaries listed therein and to prevent public disclosure of the details of their benefits.

Pursuant to Local Civil Rule 5(C), Plaintiffs are also filing a Notice of Motion to File Under Seal and a Proposed Order.

Dated: December 22, 2025

Respectfully submitted,

/s/ Joseph J. Green

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Counsel for Plaintiffs

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO FILE UNDER SEAL
EXHIBITS TO PLAINTIFFS' THIRD STATUS REPORT**

Pending before the Court is Plaintiff L.N.P.'s, on his own behalf and on behalf of his dependent children P.D.P. and L.D.P., and on behalf of all others similarly situated (Plaintiff L.N.P. and the class are referenced herein collectively as the "Plaintiffs") Motion to File Under Seal Exhibit to Plaintiffs' Third Status Report ("Motion") and its Memorandum in Support of the Motion.

Upon consideration of the Motion, Memorandum in Support, and the applicable law, the Court finds as follows:

1. A Notice of Motion to File Under Seal has been filed on the public docket, thus giving the public notice of the request to seal and allowing interested parties a reasonable opportunity to object.

2. The Motion seeks to maintain under seal Exhibit A to Plaintiffs' Report, which contains personally identifiable information of children who are social security beneficiaries, including their names and the names of their guardians.

3. The personally identifiable of these child social security beneficiaries should be sealed to preserve anonymity of those beneficiaries as well as to prevent public disclosure of private, sensitive information of non-parties.

WHEREFORE, the Court hereby **GRANTS** the Motion and **ORDERS** that Exhibit A to Plaintiffs' Third Report to be filed under seal, and remain under seal, until further order from this Court.

ENTERED this ____ day of _____ 2025 in Alexandria, Virginia.

United States District Judge

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Case No. 1:24-cv-01196 (MSN/IDD)

**NOTICE OF PLAINTIFFS' MOTION TO FILE UNDER SEAL EXHIBIT TO
PLAINTIFFS' THIRD STATUS REPORT**

Pursuant to Local Civil Rule 5(C) Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P., and on behalf of all others similarly situated (Plaintiff L.N.P. and the class are referenced herein collectively as the "Plaintiffs"), hereby gives notice that they have moved this Court to seal from public disclosure the following documents:

- Exhibit A in support of Plaintiffs' Third Status Report.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days, designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the motion to seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: December 22, 2025

Respectfully submitted,

/s/ Joseph J. Green _____

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**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO FILE
UNDER SEAL EXHIBIT TO PLAINTIFFS' THIRD STATUS REPORT**

Pursuant to Local Civil Rule 5(C) Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P., and on behalf of all others similarly situated (Plaintiff L.N.P. and the class are referenced herein collectively as the “Plaintiffs”) hereby respectfully moves this Court for permission to file under seal Exhibit A to Plaintiffs’ Third Status Report.

Exhibit A contains private information of children who are social security beneficiaries. Exhibit A is a list of beneficiaries that includes information such as the beneficiaries’ names, and the names of their guardians.

Information in Exhibit A has also been marked “CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER” by Defendants, who produced that information in original lists of the Class Members, and Plaintiffs accordingly are required to restrict the right of access to these documents to the parties and other authorized persons. (Dkt. 83 at 2–3, ¶ 3.) Pursuant to Local Rule 5(C), because Plaintiffs here are moving to file materials under seal because Defendants

have marked them confidential, “the party designating the material as confidential [Defendants in this case] must file a response to th[is] motion” demonstrating the confidentiality of the documents, “along with a proposed order.”

Plaintiffs agree that the information contained within Exhibit A is confidential and should be sealed. A district court “may, in its discretion, seal documents if the public’s right of access is outweighed by competing interest.” *In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984). To determine whether the interests in sealing the records outweigh public interest considerations, a court must engage in a three-part procedure: “(1) the court must provide public notice of the request to seal and allow interested parties a reasonable opportunity to object; (2) the court must consider less drastic alternatives to sealing the documents; and (3) the court must articulate specific reasons and factual findings supporting its decision to seal.” *Adams v. Object Innovation, Inc.*, No. 3:11-CV-272 (REP/DWD), 2011 WL 7042224, at *4 (E.D. Va. Dec. 5, 2011) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000)). These three steps, or factors, are collectively known as the “*Ashcraft* factors.” *Malon v. Franklin Fin. Corp.*, No. 3:14CV671 (HEH-RCY), 2014 WL 12768782, at *2 (E.D. Va. Dec. 4, 2014).

As to the first *Ashcraft* factor, Plaintiffs are contemporaneously filing herewith a Notice of Motion to File Under Seal on the public docket, thus giving the public notice of the request to seal and allowing interested parties a reasonable opportunity to object. Courts have held that, as case dockets are publicly available, the filing of such notice is sufficient to satisfy the first *Ashcraft* factor. *Malon*, 2014 WL 12768782, at *2.

As to the second and third *Ashcraft* factors, sealing of Exhibit A is appropriate and no less drastic alternatives to sealing exist. The Federal Rules of Civil Procedure recognize the sensitivity of the information at issue here. For example, Federal Rule of Civil Procedure 5.2(a)

requires the redaction of personal identifiers, such as “social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number[.]” That same rule provides that in cases concerning social security benefits, such as this case, public electronic access is limited to the docket and orders or other dispositions by the Court. Fed. R. Civ. P. 5.2(c).

Because all three *Ashcraft* factors are met, as set forth above, Plaintiffs respectfully request that the Court enter an order maintaining Exhibit A to Plaintiffs’ Third Status Report under seal. Additionally, this Court has already sealed an earlier version of this same document and should do so again here (Dkt. 116).

Dated: December 22, 2025

Respectfully submitted,

/s/ Joseph J. Green

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December 2025, Plaintiffs' Motion to File Under Seal Exhibit to Plaintiffs' Third Status Report was uploaded to this Court's CM/ECF system, which will electronically serve a copy of the same on all counsel of record. I further certify that on this 22nd day of December 2025, counsel for Plaintiffs served a copy of all material filed under seal pursuant to this Motion on counsel for Defendants via email.

Respectfully submitted,

/s/ Joseph J. Green

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