

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

CHARLOTTE CHARLES, *et al.*,

Plaintiffs,

vs.

ANNE SACOOLAS, *et al.*,

Defendants.

Case No.: 1:20-cv-1052

**MEMORANDUM IN SUPPORT OF MOTION TO SEAL**

Cohen Milstein Sellers & Toll PLLC (“CMST”) moves pursuant to Local Civil Rule 5(C) to file under seal its Response to Plaintiffs’ Notice. CMST moves to file under seal for the same reasons CMST moved to file the opening papers for its Motion to Enforce Its Charging Lien under seal, Dkt. 79.

The Response that CMST seeks to file under seal contains confidential information relating to the parties’ settlement agreement, which the parties revealed to CMST in confidence and have requested CMST keep confidential, including the amount of the settlement and contextual information from which the amount of the settlement could be discerned, including the amount of a prior offer to settle, which CMST by necessity conveys in relation to the settlement amount. CMST must communicate this information to the Court to prove the value of the work it performed for Plaintiffs, *see County of Campbell v. Howard*, 112 S.E. 876, 885 (Va.1922), and no other mechanism exists by which to communicate this information to the Court while protecting the parties’ interest in confidentiality.

The information sought to be filed under seal also includes information alluding to CMST’s communications with its former clients. Apart from adhering to its ethical obligations to

Plaintiffs, CMST does not assert an independent interest in filing its communications with Plaintiffs under seal.

It is “well-established” that the Court has authority to seal court documents where “the public’s right of access is outweighed by competing interests.” *Hopeman Bros., Inc. v. Con’tl Cas. Co.*, 2018 WL 10562397, at \*1 (E.D. Va. May 17, 2018). The sealed information in CMST’s brief relates to a private settlement in which the parties have asserted an interest in confidentiality and in which there is little legitimate public interest. Under these circumstances, it is appropriate to seal the value of a private settlement. *See, e.g., I Pee Holding, LLC v. Va. Toy & Novelty Co.*, 2020 WL 2744085, at \*3 (E.D. Va. May 8, 2020); *Hopeman Bros.*, 2018 WL 10562397, at \*2 (“This information generally is not available to the public and the risk of harm to Hopeman and/or Hopeman’s insurers from disclosure outweighs any First Amendment or common law presumption of public access”). Moreover, ethical rules in Virginia and the District of Columbia (where CMST is based) forbid counsel from revealing their former clients’ confidences to an extent greater than necessary to litigate this fee dispute, and they require counsel to seek to file any confidence under seal, to the extent they must be filed. *See Va. R. Prof’l Conduct 1.6(b)(2) & cmt. 10A; D.C. R. Prof’l Conduct 1.6 (e)(5) cmt. 27.*

December 3, 2021

Respectfully submitted,

/s/ Steven J. Toll

Steven J. Toll, VSB #15300

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2021, I electronically filed the *Memorandum in Support of Motion to Seal* with the Clerk of the Court using the ECF, who in turn sent notice to counsel of record in this matter.

Dated: December 3, 2021

/s/ Steven J. Toll  
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Steven J. Toll