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FILED
 San Francisco County Superior Court

NOV 24 2020

CLERK OF THE COURT
 BY: [Signature]
 Deputy Clerk

Attorneys for Plaintiff MASOOD KHAN

**SUPREIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SAN FRANCISCO**

10 MASOOD KHAN,
 11
 12 Plaintiff,
 13 v.
 14 THE GREENSPAN COMPANY, a
 15 California corporation; GREENSPAN
 16 ADJUSTERS INTERNATIONAL, INC., a
 17 California corporation; ADJUSTERS
 18 INTERNATIONAL/CALIFORNIA, INC., a
 19 California corporation; ADJUSTERS
 20 INTERNATIONAL PACIFIC
 21 NORTHWEST, INC., a Washington
 22 corporation; GORDON SCOTT, an
 individual; CLAY GIBSON, an individual;
 MARK FRATKIN, an individual; PAUL
 MIGDAL, an individual; STEVE
 SEVERAID, an individual; and DOES 1
 through 10, inclusive,
 Defendants.

Case No. CGC-19-581129

**[PROPOSED] ORDER DENYING
 DEFENDANT GREENSPAN ADJUSTERS
 INTERNATIONAL, INC.'S MOTION TO
 SEAL SELECT ALLEGATIONS OF
 PLAINTIFF'S ORIGINAL AND FIRST
 AMENDED COMPLAINT**

**Date: November 24, 2020
 Time: 9:30 a.m.
 Dept: 302**

TO ALL PARTIES AND COUNSEL OF RECORD HEREIN:

Defendant GREENSPAN ADJUSTERS INTERNATIONAL, INC.'s Motion to Seal Select Allegations of Plaintiff's Complaint and First Amended Complaint (the "Motion to Seal") came on regularly before the court for hearing on November 24, 2020 at 9:30 a.m. in Department 32 of the above-captioned Court.

DECLARATION OF MASOOD KHAN IN OPPOSITION TO DEFENDANT GREENSPAN INTERNATIONAL, INC.'S MOTION TO SEAL PLAINTIFF'S COMPLAINT AND FIRST AMENDED COMPLAINT, AND STRIKE PLAINTIFF'S FIRST AMENDED COMPLAINT

1 Having reviewed the moving, opposition, and reply papers and the portions of the
2 documents proposed to be placed under seal, and having heard argument of counsel, the Court
3 hereby finds and orders as follows:

4 Defendant Greenspan Adjusters International, Inc.'s motion to seal select allegations of
5 Plaintiff's original and first amended complaints is denied.

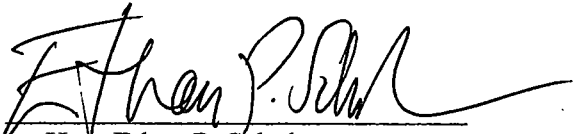
6 Greenspan fails to show that the requirements of California Rule of Court 2.550 are met,
7 specifically that there exists an overriding interest that overcomes the right of public access to the
8 record; that the overriding interest supports sealing the record; that a substantial probability exists
9 that the overriding interest will be prejudiced if the record is not sealed; that the proposed sealing
10 is narrowly tailored; and that no less restrictive means exist to achieve the overriding interest. The
11 Fratkin declaration shows only that Plaintiff advised Greenspan on legal matters including "issues
12 related to allegations in the First Amended Complaint"; that general assertion and the single
13 conclusory sentence in the Migdal declaration (par. 20) are entirely inadequate to meet
14 Greenspan's burden under Rule 2.550. Neither the complaint nor the first amended complaint
15 refers on its face to confidential communications protected by the attorney-client privilege. Due
16 to the important constitutional principles at stake in open proceedings in all civil cases, the
17 proponent of a sealing order must make a "specific showing of serious injury" that it would suffer
18 if the documents (or portions of documents) are made available to the public. (*Universal City
19 Studios, Inc. v. Superior Court* (2003) 100 Cal.App.4th 1273, 1282). "In delineating the injury to
20 be prevented, specificity is essential. Broad allegations of harm, bereft of specific examples or
21 articulated reasoning, are insufficient." (*Id.*, quoting *In re Cendent Corp.* (3rd Cir. 2001) 260 F.3d
22 183, 194; see also *McNair v. National Collegiate Athletic Assn.* (2015) 234 Cal.App.4th 24, 29
23 [moving party failed to carry its burden to demonstrate that its interest in the confidentiality of
24 enforcement proceedings overrides the constitutional right of access and the presumption of
25 openness of substantive court proceedings in ordinary cases]; *Huffy Corp. v. Superior Court*
26 (2003) 112 Cal.App.4th 97 [all exhibits in insurance coverage dispute ordered unsealed].)

27 The Court also notes that although the original complaint was filed on November 27, 2019,
28 Greenspan did not seek to seal the complaint (which to this stay, nearly one year later, remains
posted on the Court's register of actions in its original, unredacted form) until months after it
removed the case to federal court on February 13, 2020, nor did it seek such prompt relief after
the case was remanded on July 6, 2020. Greenspan's lengthy delay in seeking to stay the

1 complaint and first amended complaint strongly suggests that its motivation in seeking to seal the
2 pleadings is to avoid adverse publicity, not to protect genuinely privileged or proprietary
3 information.

4
5 **IT IS SO ORDERED.**

6 Dated: November 24, 2020

7
8 By: 
9 Hon. Ethan P. Schulman
10 Judge of the Superior Court of California,
11 County of San Francisco