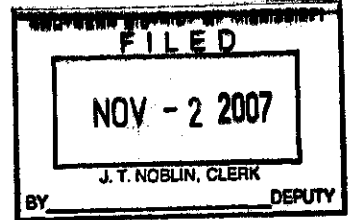


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION



STATE FARM FIRE AND CASUALTY
COMPANY and STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2:07cv188 KS-MTP

JIM HOOD, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF THE STATE
OF MISSISSIPPI

DEFENDANT

ORDER

THIS MATTER is before the court on State Farm's motion to unseal the record in this matter [27] and Attorney General Jim Hood's Motion to Seal Portions of the Record in this Action. Having considered the motions and the responses, and being fully advised in the premises, the court finds that State Farm's motion to unseal the record should be GRANTED and that Attorney General Jim Hood's motion to seal portions of the record should be DENIED.

This case was initially placed under seal [3] at State Farm's request [1], before any other documents were filed, in order to avoid any potential legal jeopardy by filing documents publicly which might implicate matters pending before a grand jury. On October 11, 2007, State Farm moved to unseal the case [27]. Attorney General Jim Hood ("defendant") opposed the motion and urged the court to keep the entire matter under seal. That motion [27] was taken under advisement by the court, to be ruled on after it heard the parties' arguments at the November 1, 2007 hearing. After considering further argument from the parties, this court granted from the bench State Farm's motion to unseal the case at yesterday's hearing. However, the court gave the parties until 5:00 p.m. yesterday to identify any *specific* documents already in the record which they felt should remain sealed. In response, the defendant has identified a substantial

portion of the record that he believes should remain sealed: the Complaint, the First Amended Complaint, all filings related to the sealing or unsealing of the record or portions thereof, and all exhibits attached to any of these documents.¹ For the reasons stated at the hearing and as set forth herein, the court finds that the entire file should be made public and the seal removed.

Defendant argues that unsealing the referenced documents would reveal the specifics of the underlying grand jury investigation of State Farm, which he contends is prohibited under Mississippi law. *See, e.g.*, Miss. Code Ann. §§ 13-5-61, 97-9-53. The court is mindful of the importance of maintaining the secrecy of grand jury proceedings and, for that reason, initially sealed the file until the Attorney General could be heard on the matter. Nevertheless, the court is unconvinced that there is anything filed in the record thus far that would reveal the specifics of any grand jury proceedings. The only document brought to this court's attention that is arguably deserving of protection is the grand jury subpoena issued to State Farm on August 23, 2007. However, even considering the *in camera* presentation by defendant, the court is not convinced that disclosure of this subpoena would in any way reveal to the public the specifics of this grand jury investigation. The subpoena does not reveal the target of any investigation or the issues being investigated.

Moreover, this subpoena is substantially similar to an earlier grand jury subpoena issued to State Farm on December 18, 2006, which is already in the public realm or is otherwise not

¹It should be noted that many of the attachments to the complaint and amended complaint are already public documents including a number of documents on file in other courts, court transcripts, correspondence and even a press release.

entitled to protection as it involves a grand jury matter that has been closed for over six months.²

Finally, the court notes that there is a strong public interest in these types of proceedings. Indeed, under Local Rule 83.6 there is a presumption that court records will be in the public domain. This presumption is also recognized in case law, especially where public officials are involved. *See, e.g., Haber v. Evans*, 268 F.Supp. 2d 507, 511 (E.D. Pa. 2003) (“While privacy interests are to be considered, they are diminished when the party seeking protection is subject to legitimate public scrutiny. ...[Here, t]he factors that weigh in favor of disclosure include the fact that the named defendants are public officials and that the records are of great public import.”). Thus, this factor weighs strongly in favor of lifting the seal, particularly where appears to be no real risk of compromising grand jury secrecy or proceedings.

Accordingly, as the court cannot see how any of the documents identified by the Attorney General would reveal the specifics of the grand jury investigation, and in light of strong public interest in maintaining public access to court records, the court finds that the Attorney General’s Motion to Seal Portions of the Record in this Action should be denied, and that the entire case should be unsealed.

This ruling is without prejudice to the parties’ rights to request that the court seal any future filings in this case upon a showing of good cause in accordance with Local Rule 83.6.

IT IS, THEREFORE, ORDERED AND ADJUDGED that State Farm’s motion to unseal the record in this case [27] is GRANTED and defendant’s Motion to Seal Portions of the Record in this Action is DENIED. The clerk of the court is directed to unseal the court file in this

² Miss. Code Ann. § 97-9-53 prohibits the disclosure of grand jury proceedings “before the finding of the indictment, or in six months thereafter....”

matter.

SO ORDERED on this the 2nd day of November, 2007.

s/ Michael T. Parker
United States Magistrate Judge