

Nos. 2008-0304 & 2008-0403

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In the Ohio Supreme Court

SAFECO INSURANCE COMPANY OF AMERICA,

Plaintiff-Appellant,

v.

FEDERAL INSURANCE COMPANY, et al.,

Defendants-Appellees.

CLAIMED APPEAL OF RIGHT AND DISCRETIONARY APPEAL FROM THE FIRST APPELLATE DISTRICT,
HAMILTON COUNTY, APP. No C-070074

FILED UNDER SEAL PURSUANT TO COURT ORDER

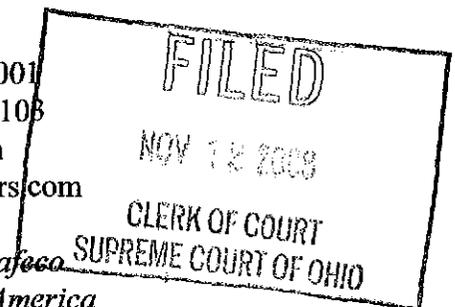
JOINT MOTION FOR A CLOSED COURTROOM DURING ORAL ARGUMENT

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*Counsel for Appellant Safeco
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The Appellant (Safeco Insurance Company of America) and the Appellees (Federal Insurance Company and Pacific Indemnity Company) hereby jointly move this Honorable Court for a closed courtroom during oral argument. The parties ask that visitors be excused from the courtroom and that the oral hearing not be televised or broadcast via the internet. They also ask that any recording made of the oral argument be placed under seal for the sole use of the parties and the Court.

In support of their motion, the parties state as follows:

1. The trial court signed a "Joint Stipulated Confidentiality Order" concerning the proceedings of this case. A copy of this "Confidentiality Order" is attached as Exhibit A.
2. The Court of Appeals likewise granted Appellant's Motion to seal the record and pleadings filed on appeal consistent with the trial court's Joint Stipulated Confidentiality Order. A copy of the Appellate Court's "Entry Granting Motion to Seal the Record and Pleadings" is attached as Exhibit B.
3. In order to continue to preserve the confidentiality of certain matters at issue in this appeal, Appellant Safeco filed a "Motion to Seal Record and Pleadings on Appeal" in the Supreme Court of Ohio. This Court granted Appellant's Motion in entries dated February 26th and 27th, 2008 (in S.Ct. App. Nos. 08-0304 and 08-0403 respectively). A copy of this Court's Entries are attached as Exhibits C and D.

This case has been scheduled for oral argument on Wednesday, February 4, 2009. This Court's previous order sealing the records and pleadings will be defeated if the courtroom is open to the public during oral argument. Thus, the parties respectfully request that the courtroom be closed to the public, that the oral hearing not be televised, and that any recording made of oral argument be

maintained in the Court's record under seal.

The trial court, court of appeals, and this Court have all recognized the importance to the parties of the confidentiality of certain matters on appeal. The parties hereby once again jointly request that these confidences be preserved by sealing the courtroom during oral argument.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing Joint Motion for a Closed Courtroom During Oral Argument was mailed by regular U.S. mail, postage pre-paid, this 10 day of November, 2008, to:

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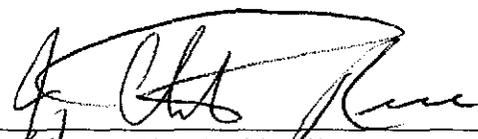
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D69640505

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

~~JUDGE ROBERT P. RUEHLMAN
Court of Common Pleas
Hamilton County, Ohio~~

SAFECO INSURANCE COMPANY OF)
AMERICA,)

Plaintiff,)

-vs-)

BENJAMIN WHITE, et al.,)

Defendants.)

ENTERED
AUG 17 2006

CASE NO: A-0403452
(Consolidated with A-0408943)

JUDGE ROBERT P. RUEHLMAN

JOINT STIPULATED:

CONFIDENTIALITY ORDER

Now come the remaining¹ parties to this action and jointly request, stipulate, and agree to the terms and entry of the following Confidentiality Order. The remaining parties (except Safeco Insurance Company of America ["Safeco"]) have entered into a final and binding Mutual Release and Settlement Agreement which contains a confidentiality clause. Safeco has no objection to the confidentiality of the Mutual Release and Settlement Agreement. Since further proceedings may require the parties to disclose and/or rely on the terms of the Mutual Release and Settlement Agreement and related documents, all parties jointly agree and stipulate that the Court should enter the following Order:

All further filings attaching, containing information derived from, or relying on information from the Mutual Release and Settlement Agreement between the Hilmer Plaintiffs and the White Defendants shall be captioned beginning with the words: "FILED UNDER SEAL PURSUANT TO COURT ORDER." The Clerk is hereby instructed to maintain all future filings under seal and, absent further order of this

¹ On August 11, 2006, the Hilmer Plaintiffs dismissed their claims presented herein pursuant to the Mutual Release and Settlement Agreement.

EXHIBIT
A

Court, not to allow access to these records by anyone but parties to this action. The parties are prohibited from disclosing or distributing the terms of the Mutual Release and Settlement Agreement, any document or exhibit filed under seal, or the contents of any document filed under seal, to any third party except upon Court order permitting such disclosure.

IT IS SO ORDERED.

Date: _____

STIPULATED AND AGREED TO:

JUDGE ROBERT P. RUEHLMAN

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Counsel for Lance and Diane White

The clerk is instructed to serve this Order on all parties not in default for failure to appear.

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed by regular U.S. mail, postage pre-paid, this 14th day of August, 2006, to:

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received
2/21/07

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

SAFECO INSURANCE COMPANY
OF AMERICA,

APPEAL NO. C-070074

TRIAL NO. A-0403452 and A-0408943

Appellant,

vs

ENTRY GRANTING MOTION
TO SEAL RECORD AND PLEADINGS

BENJAMIN WHITE, et al.,

Appellees.

This cause came on to be considered upon the motion of the appellant filed herein to seal the record and the pleadings filed in this appeal consistent with the trial court's Joint Stipulated Confidentiality Order of August 17, 2006.

The Court finds that the motion is well taken and is granted.

All further filings attaching, containing information derived from, or relying on information from the Mutual Release and Settlement Agreement between the Hilmer Plaintiffs and the White Defendants should be captioned with the words: "FILED UNDER SEAL PURSUANT TO COURT ORDER." The Clerk is hereby instructed to maintain all future filings under seal and, absent further order of this Court, not to allow access to these records to anyone but the parties to this action. The parties are prohibited from disclosing or distributing the terms of the Mutual Release and Settlement Agreement, any document or exhibit filed under seal, or the contents of any documents filed under seal, to any third-party except upon Court order permitting such disclosure.

To The Clerk:

Enter upon the Journal of the Court on FEB 22 2007 per order of the Court.

By: *S. S. S.*
Acting Presiding Judge

(Copies sent to all counsel)

EXHIBIT
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B

Safeco Insurance Company of America

Case No. 2008-0304

v.

ENTRY

Federal Insurance Company and Pacific
Indemnity Company, and Benjamin White
et al.

This cause is pending before the Court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion to seal the record and pleadings on appeal,

It is ordered by the Court that the motion is granted.

(Hamilton County Court of Appeals; No. C070074)

THOMAS J. MOYER
Chief Justice



Safeco Insurance Company of America

Case No. 2008-0403

v.

ENTRY

Federal Insurance Company and Pacific
Indemnity Company, and Benjamin White,
et al.

This cause is pending before the Court as a certified conflict from the Court of Appeals for Hamilton County. Upon consideration of appellant's motion to seal record and pleadings on appeal,

It is ordered by the Court that the motion is granted.

(Hamilton County Court of Appeals; No. C070074)

THOMAS J. MOYER
Chief Justice

