

**IN THE SUPREME COURT OF OHIO**

MICHAEL E. CULLEN	:	Case No. 2012-0535
	:	
Plaintiff-Appellee	:	
	:	On Appeal From the
v.	:	Cuyahoga County Court
	:	of Appeals, Eighth
STATE FARM MUTUAL	:	Appellate District,
AUTOMOBILE INSURANCE	:	Case No. 10-095925
COMPANY	:	
	:	
Defendant-Appellant	:	

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**MOTION OF APPELLANT STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY TO FILE PORTIONS OF SUPPLEMENT UNDER SEAL**

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SUPREME COURT OF OHIO

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**MOTION OF APPELLANT STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY TO FILE PORTIONS OF SUPPLEMENT UNDER SEAL**

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Appellant State Farm Mutual Automobile Insurance Company (“State Farm”) moves to file portions of its Supplement under seal. Some of the exhibits that State Farm proposes to include in its Supplement were filed under seal in the trial court, pursuant to an agreed protective order, as part of State Farm’s appendix in support of its memorandum in opposition to Appellee’s motion for class certification. Those documents were later also filed under seal in the appellate court as part of State Farm’s appendix to its opening merit brief, pursuant to a January 27, 2011 order of the court of appeals.

Documents proposed to be filed under seal contain confidential and/or proprietary information of State Farm and third parties, and were filed under seal in both the trial and appellate courts pursuant to an agreed protective order entered in the trial court on December 1, 2005 (“Agreed Protective Order”) (copy attached as Exhibit 1). The Agreed Protective Order provides:

The provisions of this Order shall not terminate at and shall survive the conclusion of this action. Within 120 days after final conclusion of all aspects of this litigation, **including appeals**, upon the written request of the producing party, all confidential documents and copies of same (other than exhibits of record) shall be returned to the party or person who produced such documents or, at the option of the producer, destroyed, \* \* \*

(Agreed Protective Order at § 11, dkt no. 12) (emphasis added). As Section 11 indicates, the terms of the Agreed Protective Order do not terminate during the pendency of an appeal, but remain in effect. The Agreed Protective Order further provides for the filing of confidential documents under seal. (Id. at § 7). Moreover, the exhibits in the Supplement that State Farm proposes to file under seal are already marked under seal in the Record in this case. For the

convenience of the Court, State Farm proposes to file two volumes of its Supplement: one containing exhibits that were not filed under seal, and the other with documents that were previously filed under seal in both the trial and appellate courts.

Accordingly, State Farm respectfully requests that this Court grant its motion to file portions of its Supplement under seal.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion to File Portions of Supplement under Seal was served upon the following by first class U. S. mail, postage prepaid, this 2nd day of August, 2012:

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