

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND, SOUTHERN DIVISION**

IN RE: MARRIOTT INTERNATIONAL,  
INC., CUSTOMER DATA SECURITY  
BREACH LITIGATION

MDL No. 19-md-2879

This Document Relates to Case No.  
8:19-cv-0654

This Document Relates To:

Honorable Paul W. Grimm

CITY OF CHICAGO,

*Plaintiff,*

v.

MARRIOTT INTERNATIONAL, INC., a  
Delaware corporation, and STARWOOD  
HOTELS & RESORTS WORLDWIDE, LLC,  
a Maryland limited liability company,

*Defendants.*

**PLAINTIFF'S MOTION FOR LEAVE TO FILE PORTIONS OF ITS  
FIRST AMENDED COMPLAINT UNDER SEAL**

Pursuant to Local Rule 105.11, Plaintiff City of Chicago ("Plaintiff") hereby seeks leave to file its First Amended Complaint and Demand for Jury Trial ("FAC") under seal. In support of this Motion, Plaintiff states as follows:

1. On June 5, 2019, the Court entered a Stipulated Protective Order in this matter, signed by counsel for the various multi-district litigation plaintiff tracks, including Plaintiff, and Defendants Marriott International, Inc. and Starwood Hotels & Resorts Worldwide, LLC (collectively referred to as "Marriott"). (Dkt. 271.) Pursuant to that Order, a producing party is allowed to designate as "Confidential" certain information that it believes: "(i) contains sensitive personal information (including "PII"), trade secrets or other confidential research, development or commercial information, the disclosure of which may have the effect of causing harm to any

Party, or person from whom the information was obtained, or to the Parties' or third-parties' privacy; or (ii) contains information over which the Designating Party has a duty or obligation to maintain confidentiality." (*Id.* ¶ 1(b).)

2. Plaintiff's FAC contains non-public information derived from documents that were designated as Confidential by Marriott.

3. The Stipulated Protective Order requires that Plaintiff files such materials under seal. (*Id.* ¶ 9.)

4. Pursuant to Local Rule 105.11, Plaintiff has filed a provisionally sealed version of the FAC and a public (redacted) version, redacting only those portions of the complaint that contain information from documents designated by Marriott as Confidential.

5. Plaintiff submits that good cause exists to grant the relief requested, and that the relief is not being sought for any improper purpose. Specifically, the information designated by Marriott as Confidential, and included or referenced in the FAC, includes confidential and commercially sensitive information about Marriott's operations and the Marriott data breach affecting millions of individuals' PII, including references to material contained in the payment card industry forensic investigative report ("PFI Report"). Presumably Marriott determined that this information be designated as Confidential because (i) the public release and disclosure of such material would cause Marriott competitive harm by giving third parties (including Marriott's direct competitors) insights into confidential and sensitive aspects of Marriott's internal business practices, allowing those third parties to potentially gain an unfair advantage in dealings with and against Marriott; and/or (ii) there are ongoing investigations into the Marriott data breach that could be undermined by the disclosure of this non-public information.

Moreover, there are no viable alternatives to sealing here, as Plaintiff is simply proposing

redactions to the complaint rather than filing the entire document under seal, and does not believe that it is possible to include descriptions of the information in a public document without violating the Stipulated Protective Order.

WHEREFORE, in accordance with Local Rule 105.11, Plaintiff respectfully requests that the Court enter an Order granting (1) leave to file Plaintiff's First Amended Complaint and Demand for Jury Trial under seal consistent with the Stipulated Protected Order in this matter, and (2) any further relief the Court deems reasonable and just.

\* \* \*

Respectfully submitted,

**CITY OF CHICAGO**

Dated: June 20, 2019

By: /s/ Benjamin H. Richman  
One of Plaintiff's Attorneys

Stephen J. Kane  
Acting Deputy Corporation Counsel  
stephen.kane@cityofchicago.org  
CITY OF CHICAGO DEPARTMENT OF LAW  
Affirmative Litigation Division  
121 North LaSalle Street, Room 600  
Chicago, Illinois 60602  
Tel.: 312.744.6934  
Fax: 312.744.5185

Benjamin H. Richman  
brichman@edelson.com  
Sydney M. Janzen  
sjanzen@edelson.com  
EDELSON PC  
350 North LaSalle, 14th Floor  
Chicago, Illinois 60654  
Tel: 312.589.6370  
Fax: 312.589.6378

**CERTIFICATE OF SERVICE**

I, Benjamin H. Richman, an attorney, hereby certify that on June 20, 2019, I served the above and foregoing ***Plaintiff's Motion for Leave to File Portions of Its First Amended Complaint Under Seal*** on all counsel of record by filing it electronically with the Clerk of the Court using the CM/ECF filing system.

/s/ Benjamin H. Richman

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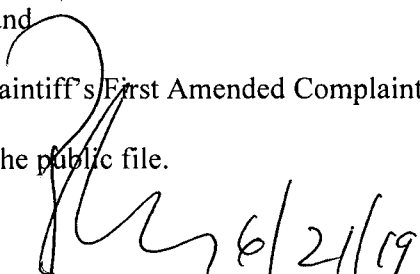
*Defendants.*

**[PROPOSED] ORDER**

THIS MATTER came to be heard before the Court upon Plaintiff City of Chicago's ("Plaintiff") Motion for Leave to File Portions of Its First Amended Complaint Under Seal (the "Motion") pursuant to Local Rule 105.11. The Court having reviewed the submission, applicable law and facts, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, hereby:

*ADOPTS THE FACTS STATED IN THE MOTION*  
**ORDERS** that Plaintiff's Motion is GRANTED; and

**ORDERS** that the publicly available version of Plaintiff's First Amended Complaint that has been redacted in the public file to remain redacted in the public file.

  
\_\_\_\_\_  
HONORABLE PAUL W. GRIMM  
United States District Judge  
for the District of Maryland