

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

**IN RE: MARRIOTT INTERNATIONAL  
CUSTOMER DATA SECURITY BREACH  
LITIGATION**

**THIS DOCUMENT RELATES TO:**  
Case No. 19-cv-654

MDL No. 19-md-2879

JUDGE PAUL W. GRIMM

**DEFENDANTS' MOTION FOR LEAVE TO FILE PORTIONS OF THEIR  
MOTION TO DISMISS AND EXHIBIT A UNDER SEAL**

Pursuant to Federal Rule of Civil Procedure 26(c)(1) and Local Rule 105.11, defendants Marriott International, Inc. and Starwood Hotels and Resorts Worldwide, LLC, (collectively, Marriott) respectfully request leave to file under seal portions of their motion to dismiss the city of Chicago's amended complaint and Exhibit A to that motion. In support of this motion, Marriott states as follows:

1. On June 5, 2019, the Court entered a Stipulated Protective Order in this matter which permits a producing party to designate as "Confidential" or "Highly Confidential" information that "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." (Protective Order ¶ 1, ECF No. 271.)
2. Marriott's motion to dismiss contains confidential and commercially sensitive information concerning its IT security systems and operations. Specifically, Marriott refers and attaches as an exhibit to its motion the Payment Card Industry Forensic Investigator report concerning the cyberattack on Starwood's guest reservation database (PFI report).

3. The Protective Order permits Marriott to file under seal information and documents it has designated in this case as “Confidential” or “Highly Confidential.” (Protective Order ¶ 9, ECF No. 271.)

4. Pursuant to Local Rule 105.11, Marriott has filed a sealed version of its motion to dismiss along with a public version of the motion, redacting only those portions of the motion that contain confidential information from the PFI report.

5. There is good cause to maintain the PFI report, and the information redacted in Marriott’s motion to dismiss that is derived from the PFI report, under seal.

6. Marriott designated the PFI report as “Confidential” because it contains confidential and commercially sensitive information about Marriott’s data security operations, protocols, procedures, and systems, as well as the investigation into the Marriott data security incident. This information, if publicly disclosed, could harm Marriott by: (1) providing hackers with specific and detailed non-public information about Marriott’s IT operations, security, and structure, as well as the techniques used to uncover the cyberattack at issue in this case, that could facilitate future cyberattacks on Marriott or Starwood’s networks; (2) undermine ongoing investigations into the Marriott data security incident; and (3) cause Marriott competitive harm by giving third parties, including Marriott’s direct competitors, insight into certain aspects of Marriott’s internal business practices, allowing those third parties to gain an unfair advantage against Marriott.

7. Moreover, this Court at least provisionally has recognized that the information in the PFI report merits a Confidential designation under the Protective Order. The Court granted the city of Chicago and Bank of Louisiana’s motions to seal their amended complaints, both of

which reference confidential information contained in the PFI report. (Order, ECF No. 300; Bank of Louisiana's Mot. for Leave to File under Seal, ECF No. 307; Order, ECF No. 314.)

8. Moreover, the Court's decision to keep information in the PFI report under seal is supported by caselaw. Myriad other courts have recognized that "concerns about hackers and a cyber attack justif[y] sealing information about a company's IT systems." *OneAmerica Fin. Partners, Inc. v. T-Sys. N. Am., Inc.*, 2016 WL 891349, at \*4-6 (S.D. Ind. Mar. 9, 2016) (granting motion to seal information concerning plaintiff's computer software, applications and hardware; IT policies, procedures, and vendors; and the location of its data centers); *see also Music Grp. Macao Commercial Offshore Ltd. v. Foote*, 2015 WL 3993147, at \*8 (N.D. Cal. June 30, 2015) (granting motion to seal exhibit that "describes certain vulnerabilities with [plaintiff's] IT infrastructure" because disclosure of such information could "pose a threat to Plaintiff's network security"); *In re Google Inc. Gmail Litig.*, 2013 WL 5366963, at \*3 (N.D. Cal. Sept. 25, 2013) (granting motion to seal parts of complaint because "hackers and spammers could use this information to circumvent Google's anti-virus and anti-spam mechanisms").

9. Finally, Marriott's proposal is the least restrictive means to protect its confidential information while providing the public with access to its motion to dismiss. Marriott seeks to seal only the PFI report and the information in its motion that is derived from the PFI report. Marriott does not believe there are any viable alternatives to sealing the information that would provide it sufficient protection.

10. If the Court disagrees with any of the assertions about the confidential nature of the information proposed to be sealed, Marriott respectfully requests the Court provide Marriott with the opportunity to present further argument and evidence with respect to the confidentiality of the information before it is unsealed.

WHEREFORE, in accordance with Federal Rule of Civil Procedure 26(c)(1) and Local Rule 105.11, Marriott moves this Court for an Order granting leave to file its motion to dismiss the city of Chicago's amended complaint and Exhibit A to that motion under seal consistent with the Protective Order, and any further relief the Court deems reasonable and just.

Dated: July 15, 2019

/s/ Daniel R. Warren  
Daniel R. Warren  
Lisa M. Ghannoum  
BakerHostetler LLP  
127 Public Square, Suite 2000  
Cleveland, OH 44114  
Tel: (216) 621-0200  
Email: [dwarren@bakerlaw.com](mailto:dwarren@bakerlaw.com)  
Email: [lghannoum@bakerlaw.com](mailto:lghannoum@bakerlaw.com)

Gilbert S. Keteltas  
Baker & Hostetler LLP  
1050 Connecticut Ave. NW, Suite 1100  
Washington, D.C. 20036  
Tel: (202) 861-1530  
Email: [gketeltas@bakerlaw.com](mailto:gketeltas@bakerlaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2019, the foregoing was filed with the Clerk of Court using CM/ECF, which will send notification to the registered attorneys of record that the document has been filed and is available for viewing and downloading.

/s/ Daniel R. Warren  
*Attorney for Defendants*