

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division**

<b>NATIONAL ASSOCIATION OF STATE FARM AGENTS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil Action No. 02CA4089</b>
	)	<b>Civil Calendar 7</b>
	)	<b>Judge Kravitz</b>
<b>STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, et al.,</b>	)	
	)	
<b>Defendants</b>	)	

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**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'  
MOTION TO COMPEL PLAINTIFF'S MEMBERSHIP INFORMATION**

This matter is before the Court on State Farm's motion to compel disclosure of a list of NASFA's members. NASFA has filed an opposition and a supplemental opposition to State Farm's motion, and State Farm has filed a reply and a supplemental reply.

State Farm contends that access to NASFA's membership list is essential to its ability to defend against NASFA's claims that State Farm's allegedly unlawful corporate policies and practices have caused, and continue to cause, irreparable financial harm to NASFA's member agents. State Farm contends further that any chilling effect that disclosure might have upon the agents' exercise of their first amendment right to freedom of association can be adequately addressed through the issuance of a protective order limiting access to the membership information to State Farm's outside counsel and a small number of internal legal and technical employees whose participation is necessary to the generation of relevant data based upon the membership information.

NASFA has countered by withdrawing its request for injunctive relief. NASFA argues that the withdrawal of this request -- leaving only its prayer for a declaratory judgment -- largely removes the issue of irreparable harm from the case and obviates the need to consider the financial situation of any particular member agent. NASFA argues further that any remaining relevance of its membership information is far outweighed by the danger that disclosure will lead to retribution against member agents and otherwise infringe upon the agents' exercise of their right to freedom of association. As an accommodation, NASFA offers to disclose the identities of (1) one active and one inactive NASFA member, (2) one NASFA member who is a signatory to Agreement AA4 and one who is a signatory to Agreement AA97, and (3) one NASFA member in each state in which NASFA has members.

As an initial matter, the Court wishes to apologize to the parties and their counsel for its extended delay in addressing State Farm's motion. The Court tries as hard as it can to resolve all motions promptly, and it understands that promptness is particularly important where a motion involves discovery issues, the outcome of which may have a significant impact upon the parties' ability to litigate the case in an orderly manner. The Court has not acted promptly in this instance, and it sincerely hopes that the parties have not been significantly prejudiced by its failure to do so.

As to the merits of State Farm's motion, the Court concludes that State Farm is not entitled to the full disclosure of NASFA's membership list. The Court agrees with NASFA that the withdrawal of its prayer for injunctive relief significantly limits the potential relevance of the financial situations of individual member agents. The Court is satisfied, moreover, that NASFA's proposal to provide limited access to its membership


information fairly and reasonably accommodates State Farm's legitimate interests in obtaining basic information about NASFA's members without treading unconstitutionally upon the fundamental right of each current and potential member agent to associate with a private organization like NASFA.

Accordingly, it is this 28 day of October 2003

**ORDERED** that the defendants' motion is **GRANTED IN PART AND DENIED IN PART**. It is further

**ORDERED** that by November 10, 2003 NASFA shall file a praecipe formally withdrawing its prayer for injunctive relief. It is further

**ORDERED** that by November 10, 2003 NASFA shall disclose to State Farm the identities of (1) one active and one inactive NASFA member, (2) one NASFA member who is a signatory to Agreement AA4 and one who is a signatory to Agreement AA97, and (3) one NASFA member in each state in which NASFA has members.

  
Neal E. Kravitz, Associate Judge  
(Signed in Chambers)

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