

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**COMBS & COMPANY, INC.**

**PLAINTIFF**

**v.**

**4:08CV04223-WRW**

**CARPENTER / SULLIVAN, LLC a/k/a  
CARPENTER / SULLIVAN / SOSSAMAN (CS2)**

**DEFENDANT**

**ORDER**

Pending is the parties' Joint Motion to Strike and Place Filings Under Seal (Doc. No. 14).

The parties in this case have reached a settlement.<sup>1</sup> As a condition of the settlement, the parties agree that CS2's Motion to Compel,<sup>2</sup> Brief in Support,<sup>3</sup> Certificate of Counsel<sup>4</sup> and all accompanying exhibits filed on October 16, 2009,<sup>5</sup> be placed under seal.

Although each court has discretion over its own records and files, that discretion “‘is circumscribed by a long-established legal tradition’”<sup>6</sup> -- that is, “‘the presumptive right of the public to inspect and copy judicial documents and files.’”<sup>7</sup> “‘Court records are public records.’”<sup>8</sup> The Eighth Circuit declined to adopt a “‘strong presumption’ in favor of the common law right

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<sup>1</sup>Doc. No. 14.

<sup>2</sup>Doc. No. 8.

<sup>3</sup>Doc. No. 9.

<sup>4</sup>Doc. No. 10.

<sup>5</sup>Doc. No. 14.

<sup>6</sup>*In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983) (quoting *Nixon v. Warner Communications*, 435 U.S. 589, 597 (1978)).

<sup>7</sup>*Id.*

<sup>8</sup>*Levy v. Ohl*, 477 F.3d 988, 991 (8th Cir. 2007).

of access.”<sup>9</sup> “[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”<sup>10</sup>

I am very chary of sealing documents. In this case, considering all the circumstances, I do not believe sealing is warranted. Accordingly, the Motion (Doc. No. 14) is DENIED. Because the parties filed a Notice of Settlement,<sup>11</sup> all other pending motions in this case are DENIED as MOOT.

IT IS SO ORDERED this 1<sup>st</sup> day of December, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>9</sup>*United States v. Webbe*, 791 F.2d 103, 106 (8th Cir. 1986).

<sup>10</sup>*Id.* (quoting *Nixon v. Warner Communications*, 435 U.S. 589, 599 (1978)).

<sup>11</sup>Doc. No. 16.