

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS FLORIDA**

ARTHREX, INC.

Plaintiff,

v.

Case No. 2:11-cv-694-FtM-29SPC

PARCUS MEDICAL, LLC,

Defendant.

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ORDER

This matter comes before the Court on Plaintiff's Unopposed Motion to Seal Portions of Sur-Reply (Doc. #108). The Plaintiff, Arthrex, Inc., ("Arthrex") requests that the Court seal portions of Arthrex's Response to Parcus Medical, LLC's Supplemental Reply in Support of Parcus's Motion to Compel Production of C3 Documents ("Sur-Reply") (Doc. #107). The Local Rules state in pertinent part:

[u]nless filing under seal is authorized by statute, rule, or order, a party seeking to file under seal any paper or other matter in any civil case shall file and serve a motion, the title of which includes the word's "Motion to Seal" and which includes (i) an identification and description of each proposed for sealing; (ii) the reason that filing each item is necessary; (iii) the reason that sealing each item is necessary; (iv) the reason that a means other than sealing is unavailable or unsatisfactory to preserve the interest advanced by the movant in support of the seal; (v) a statement of the proposed duration of the seal; and (vi) a memorandum of legal authority supporting the seal. The movant shall not file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion required by this section.

M.D. Fla. Local Rule 1.09(a).

In the instant case, Arthrex requests that its Sur-Reply (Doc. #107) be filed under seal because it contains a discussion of several documents that the Court permitted to be filed under

seal by Defendant, Parcus Medical, LLC (“Parcus”), on September 21, 2012 (Doc. #94). In particular, Arthrex cites Exhibits A, B, and D of Parcus’s Reply Brief in Support of Motion to Compel Production of Arthrex C3 Contracts (Doc. #73) as documents that were filed under seal and which Arthrex discusses in its Sur-Reply. Arthrex argues that the sealing of its Sur-Reply is necessary in order to protect the confidential information that is discussed therein, and to honor the Confidentiality Agreement entered into by Arthrex and Parcus. Further, Arthrex asserts that sealing is the most appropriate way to protect the information and proposes that the seal remain in place for as long as necessary for the Court to rule on the Motion to Compel at issue. Additionally, Arthrex filed a memorandum of legal authority in support of the seal.

Because Arthrex has satisfied the requirements of the Local Rules, and in light of the fact that the present Motion is unopposed, the Court finds good cause to grant this Motion and allow Arthrex to file its Sur-Reply under seal.

Accordingly, it is now **ORDERED**:

- (1) Plaintiff’s Unopposed Motion to Seal Portions of Sur-Reply (Doc. #108) is **GRANTED**.
- (2) Plaintiff Arthrex, Inc. is permitted to file under seal an unredacted copy of Arthrex’s Response to Parcus Medical, LLC’s Supplemental Reply in Support of Parcus’s Motion to Compel Production of C3 Documents (Doc. #107).

DONE and **ORDERED** in Fort Myers, Florida, this 12th day of October, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record