

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|                               |   |                   |
|-------------------------------|---|-------------------|
| Importers Service Corporation | : |                   |
|                               | : |                   |
| Plaintiff,                    | : |                   |
|                               | : |                   |
| v.                            | : | CIVIL ACTION NO.  |
|                               | : | 1:07-cv-00745-JOF |
| GP Chemicals Equity LLC       | : |                   |
|                               | : |                   |
| Defendant.                    | : |                   |
|                               | : |                   |

**OPINION AND ORDER**

On September 15, 2008, Defendant filed a motion to file under seal certain portions of the deposition of Robert Vilim. In an order dated September 26, 2008, the court denied that motion and explained its Revised Case Instructions on sealing. In that order, the court struck any materials previously filed under seal, instructed the parties to retrieve those materials, and granted leave for the parties to re-file motions to seal in accordance with the court’s instructions.

On October 16, 2008, in accordance with the court’s rules, Plaintiff presented a motion for leave to file under seal (1) the Rule 30(b)(6) transcript of Eric Berliner, (2) Robert Vilim’s individual deposition transcript, and (3) the deposition transcript of Joan Coletta. Plaintiff argues that all three transcripts contain confidential and proprietary information about Plaintiff’s customers and potential customers, as well as other information that should be protected.

The court previously explained its views on the presumption of the openness of the record of litigation in public courts. Without reaching any conclusion as to whether the parties have shown

“very good cause” to file the transcripts under seal, the court notes that it was able to rule on Defendant’s motion for summary judgment without reference to these particular depositions. Therefore, the court DENIES AS MOOT the parties’ motions to seal. The parties are directed to retrieve the deposition transcripts from chambers.

The court notes that if any party desires to supplement the record on appeal, that party may file without seal excerpted portions of those depositions which presumably would not contain unnecessary confidential information.

**IT IS SO ORDERED** this 24<sup>th</sup> day of August 2009.

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/s J. Owen Forrester  
J. OWEN FORRESTER  
SENIOR UNITED STATES DISTRICT JUDGE