

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

GOT I, LLC and KIDS II, INC.,

Plaintiffs,

v.

1:16-cv-38-WSD

**XRT, INC. and DAVID EUGENE
SILVERGLATE,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Plaintiffs GOT I, LLC and Kids II, Inc.’s (“Plaintiffs”) Motions for Leave to File Matters Under Seal [40], [59], and Defendants XRT, Inc. and David Eugene Silverglate’s Motion for Leave to File Matters Under Seal [49].

Plaintiffs filed their Motion for Leave to File a Third Amended Complaint [38], and attached to the Motion their proposed Third Amended Complaint [38.1]. The proposed Third Amended Complaint contains redactions to certain allegations regarding the details of a confidential royalty agreement. Plaintiff’s Third Amended Complaint [57] also contains these redactions. Plaintiffs seek to file under seal un-redacted versions of the proposed Third Amended Complaint and the Third Amended Complaint. Defendants seek to file under seal the Asset Purchase

Agreement (“APA”) between the parties, which is filed as Exhibit 2 to the Declaration of David Silverglate submitted with Defendants’ Motion for Partial Summary Judgment [48.1].

Under federal common law, there is a presumption that judicial records are public documents. See Nixon v. Warner Commc’ns, Inc., 435 U.S. 589, 597 (1978); Chicago Tribune Co. v. Bridgestone/Firestone, 263 F.3d 1304, 1311 (11th Cir. 2001). The public’s common-law right of access is not absolute, however, and “may be overcome by a showing of good cause.” Romero v. Drummond Co., 480 F.3d 1234, 1245 (11th Cir. 2007). “[W]hether good cause exists . . . is . . . decided by the nature and character of the information in question.” Id. at 1246 (quoting Chicago Tribune, 263 F.3d at 1315). Courts deciding whether to seal documents must balance “the public interest in accessing court documents against a party’s interest in keeping the information confidential.” Id. In balancing these interests, “courts consider, among other factors, whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” Id.

The Court has reviewed the redactions made to the documents Plaintiff seeks to file under seal, and finds the information sought to be protected is information regarding the specific details of a confidential royalty agreement. The Court finds the Plaintiff has shown good cause to deny the public’s common-law right of access to the particular documents they seek to file under seal. See id. at 1245.

With respect to the APA Defendants seek to file under seal, the Court finds the majority of the information contained in the APA is boilerplate contract language that is not sensitive information. The Court finds the following information may be redacted from the APA:

Page (ECF Pagination) and Section	Specific Language to be Redacted
Pages 11-12, Section 3.1(c)	All language in romanettes (i) and (ii)
Page 12, Section 3.2	Redact from word after “Price” through word before “(the ‘Escrow Amount’)”
Page 13, Section 3.4(a)	Redact dollar amounts
Page 13, Section 3.5(a)	Redact dollar amounts and percentage
Page 18, Sections 5.8(a), (c)	Redact dollar amounts
Page 23, Sections 5.16(e), (j)	Redact dollar amounts
Page 45, Section 14.7(a)	Redact dollar amount

For the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiffs GOT I, LLC and Kids II, Inc.'s Motions for Leave to File Matters Under Seal [40], [59] are **GRANTED**.

IT IS FURTHER ORDERED that Defendants XRT, Inc. and David Eugene Silverplate's Motion for Leave to File Matters Under Seal [49] is **GRANTED**. Defendants are required to file, on or before October 21, 2016, the APA with the redactions required by the Order.

SO ORDERED this 14th day of October, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE