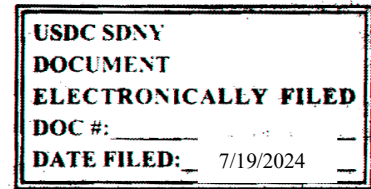


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
CARVANA, LLC,

23-cv-8616-KMK-VR

Plaintiff,

OPINION & ORDER

-against-

INTERNATIONAL BUSINESS
MACHINES CORPORATION.,

Defendant.

-----X
VICTORIA REZNIK, United States Magistrate Judge:

On July 17, 2024, IBM filed a pre-motion letter¹ in connection with this case requesting leave to file Plaintiff Carvana LLC and Defendant International Business Machines Corporation’s Notice of Joint Motion to Order Production of License Agreement (the “Joint Motion”) and the parties’ [Proposed] Order Granting Plaintiff Carvana LLC’s and Defendant International Business Machines Corporation’s Joint Motion to Order Production of License Agreement (the “Proposed Order”) under seal. (ECF No. 96).

To overcome the presumption of public access afforded to filed documents, the Court must make specific, on the record findings that sealing is (1) necessary “to preserve higher values,” and (2) “is narrowly tailored to serve that interest.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006). Courts in this District routinely permit parties to seal or redact commercially sensitive information to protect confidential business interests and financial information. *See, e.g., Rubik’s Brand Ltd. v. Flambeau, Inc.*, No. 17-CV-6559 (PGG)

¹ Redacted versions of the “Joint Motion” and “Proposed Order” were publicly filed as ECF No. 98. A version only viewable to “selected parties” was filed as ECF No. 97.

(KHP), 2021 WL 1085338, at *1 (S.D.N.Y. Mar. 22, 2021). The Court has reviewed the parties' proposed redactions and determined that they are narrowly tailored and redact only commercially sensitive information to protect confidential business interests.

Consequently, the Clerk of Court is respectfully directed to maintain ECF No. 97 under seal and only viewable to "selected parties."

Additionally, the Court has 'So Ordered' two versions of the parties' proposed joint order, one without redactions and one with them. The Clerk of Court is respectfully directed to docket the version without redactions under seal and only viewable to "selected parties." The version with redactions should be filed publicly on the docket.

Finally, the Clerk of Court is respectfully directed to close out the gavels on ECF Nos. 96, 97, and 98.

SO ORDERED.

DATED: White Plains, New York
July 19, 2024



VICTORIA REZNIK
United States Magistrate Judge