

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:15-CV-00039-D

Robert Howard,

Plaintiff,

v.

**College of the Albemarle & Kandi
Deitemeyer,**

Defendants.

Order Granting Defendants' Motion to Seal

This matter is before the Court on Defendants' Motion to Seal the following items submitted with Defendants' Memorandum in Response to Plaintiff's Motion to Disqualify Counsel (D.E. 17):

1. Affidavit of Wendy Brickhouse (D.E. 17-2);
2. Affidavit of Kandi Deitemeyer (D.E. 17-10);
3. Affidavit of John D. Leidy (D.E. 17-9);
4. Affidavit of Susan Rohrbaugh (D.E. 17-21);
5. Excerpts from Plaintiff's deposition transcripts (D.E. 17-22); and
6. Exhibits 18, 32, 33, 34 to above referenced affidavits (D.E. 17-3, 17-4, 17-5, and 17-6, respectively).

These materials are collectively referred to as the "Proposed Seal Materials."

Plaintiff has responded to the Motion (D.E. 23) indicating that he does not oppose sealing information relating to "Mr. D" but that he does not want evidence relating to Plaintiff to be sealed. Defendants have replied to that Response proposing to make unsealed filings of certain

items from the Proposed Sealed Materials with the references to Mr. D or other employees redacted.

The Court has conducted an analysis of the Proposed Sealed Materials in accordance with *Stone v. University of Maryland*, 855 F.2d 178 (4th Cir. 1998). It appears to the Court that the Proposed Sealed Materials contain information regarding employees of Defendant College of the Albemarle (“COA”) other than Plaintiff. Except for certain information, Article 2A of Chapter 115D of the North Carolina General Statutes makes information regarding community college employees confidential and not subject to public inspection. For example, information relating to disciplinary actions, performance, grievances, investigations, and reasons for selection or non-selection is confidential under N.C. Gen. Stat. § 115D-29. The rights of confidentiality enjoyed by COA employees other than Plaintiff outweigh the public’s rights to such information. Accordingly, those parts of the Proposed Sealed Materials that contain confidential personnel information regarding employees other than Plaintiff shall remain sealed.

Therefore, the Motion to Seal is hereby granted as follows: the Proposed Sealed Materials listed above and as originally filed shall be and remain sealed until further ordered by the Court; Within 10 days of the entry of this order, Defendants shall also file with the Court, not under seal, portions of certain affidavits as follows: Wendy Brickhouse, paragraphs 20–24; Kandi Deitemeyer, paragraphs 8–16; and John Leidy, paragraph 12.

Dated: June 24, 2016



Robert T. Numbers, II
United States Magistrate Judge