

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CV-347-D


LULU ENTERPRISES, INC.,)	
)	
Plaintiff,)	
v.)	ORDER
)	
N-F NEWSITE, LLC, et al.,)	
)	
Defendants.)	

The parties have submitted a Joint Motion for Entry of a Consent Protective Order concerning the use of “Confidential Information” or “Attorneys’ Eyes Only Information” in this case. The court hereby approves and adopts the proposed consent protective order, but strikes paragraph 9 of that order. See, e.g., Hall v. United Air Lines, Inc., 296 F. Supp. 2d 652, 678-680 (E.D.N.C. 2003). Instead, paragraph 9 shall read:

Before filing any information that has been designated “CONFIDENTIAL INFORMATION” or “ATTORNEYS’ EYES ONLY INFORMATION” with the Court, or any pleadings, motions or other papers that disclose any such information, counsel shall confer with counsel for the party that produced the information so designated about how it should be filed. If the party that produced the information so designated desires that the materials be filed under seal, then the filing party shall file the materials in accordance with Local Civil Rule 79.2(e), EDNC, with notice served upon the producing party. The filing of the materials under seal shall not be binding on the Court, however. Within 10 days of service of such notice, the party desiring that the materials be maintained under seal shall file with the Court a Motion to Seal and supporting memorandum of law specifying the interests which would be served by restricting public access to the information. The party that initially filed the materials need not file any such Motion to Seal or otherwise defend another party’s desire that the materials remain sealed. The Court will grant the Motion to Seal only after providing adequate notice to the public and opportunity for interested parties to object, after carefully weighing the interests advanced by the movant and those interests favoring public access to judicial documents and records, and upon finding that the interests advanced by the movant override any common law or constitutional right of public access which may attach to the information. Documents

submitted under seal in accordance with this paragraph will remain under seal pending the Court's ruling. If the party desiring that the information be maintained under seal does not timely file a Motion to Seal, then the materials will be deemed unsealed, without need for order of the Court.

SO ORDERED. This ~~28~~ day of September 2007.


JAMES C. DEVER III
United States District Judge