

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:09-cv-00023-BR

MORRIS & ASSOCIATES, INC.,

Plaintiff,

v.

COOLING & APPLIED  
TECHNOLOGY, INC.,

Defendant.

**ORDER**

This matter is before the Court on Plaintiff's motion to seal [DE-89] Exhibit N to its Memorandum in Support of its Motion for Preliminary Injunction [DE-50, Attach. No. 15] and Exhibit L to Defendant's Response to Plaintiff's Motion for Preliminary Injunction [DE-54, Attach. No. 13].


The Court makes the following findings as required by *Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178, 180 (4th Cir. 1988):

- (1) The documents at issue contain business sensitive financial information, including customer lists, pricing, and profit margins;
- (2) The presumption of public access to judicial records is outweighed by the competing interest in a fair and competitive marketplace and the commercial detriment to Plaintiff were its competitors have access to the information;
- (3) No less restrictive method, such as redaction, would adequately protect the confidential and proprietary nature of the documents, because most of the information contained in the documents is sensitive and the Court must consider the information in making its ruling; and

(4) The motion to seal these documents was filed in the public record, and no objection was filed despite notice and opportunity.

Accordingly, the Plaintiff's motion [DE-89] is **GRANTED**, and Exhibit N to Plaintiff's Memorandum in Support of its Motion for Preliminary Injunction [DE-50, Attach. No. 15] and Exhibit L to Defendant's Response to Plaintiff's Motion for Preliminary Injunction [DE-54, Attach. No. 13] shall be **SEALED**.

This the 27<sup>th</sup> day of October, 2010.

  
DAVID W. DANIE  
United States Magistrate Judge