

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

NO. 5:09-CV-23-BR

| | | |
|----------------------------|---|-------|
| MORRIS & ASSOCIATES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| COOLING & APPLIED |) | |
| TECHNOLOGY, INC., |) | |
| |) | |
| Defendant. |) | |


This matter is before the Court on Plaintiff's and Defendant's motions to seal various documents filed in this case [DE-51, 52, 56, 57 & 59]. No objections to the motions were filed and the time for response has passed. Accordingly, these matters are ripe for review.

Before granting a motion to seal, courts must first give the public notice and a reasonable opportunity to challenge the motion and then examine the public's right to access in conformity with *Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178, 181 (4th Cir.1988). If the court finds that the public's right to access is outweighed by another significant interest, then the court must consider whether there are less drastic alternatives to sealing. *Id.* In furtherance of this directive from the Court of Appeals, this Court has promulgated local rules and procedures related to the filing of sealed material. *See* Local Civil Rule 79.2 and Elec. Case Filing Admin. Policies and Procedures Manual, § T(1)(a)1-7 (Rev. Jan. 25, 2010). The pending motions to seal do not fully address how the requests to seal overcome the common law or First Amendment presumption to access or the reasons why alternatives to sealing are inadequate, as required by the Court's policies and procedures. *See* Elec. Case Filing Admin. Policies and Procedures Manual, §

T(1)(a)1. Additionally, the presence of a protective order in the case does not absolve the Court of its duty to make the determinations required by *Stone*.

Accordingly, the motions to seal [DE-51, 52, 56, 57 & 59] are **DENIED WITHOUT PREJUDICE**. The documents shall remain **SEALED** for **14 days** in order to allow the parties to refile their respective motions to seal in conformity with this order and the local rules and procedures of this Court.

This the 27th day of August, 2010.

A handwritten signature in black ink, appearing to read 'David W. Daniel', written over a horizontal line.

DAVID W. DANIEL
United States Magistrate Judge