

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division
No. 5:12-CV-00570-FL

KRAUSZ INDUSTRIES LTD.)
f/k/a Krausz Metal Industries Ltd.,)
)
Plaintiff,)
)
v.)
)
SMITH-BLAIR, INC., SENSUS USA,)
INC. and SENSUS MANUFACTURING)
SHANGHAI LIMITED,)
)
Defendants.)

ORDER

This matter comes before the Court on Defendant Smith-Blair Inc.’s Motion to Seal Exhibits H and I to Plaintiff’s Memorandum in Support of It’s [sic] Motion to Compel Production of Documents from Defendants Smith-Blair, Inc. and Sensus USA, Inc.

WHEREAS, the deposition testimony attached to Plaintiff Krausz Industries, Ltd.’s Memorandum in Support of It’s [sic] Motion to Compel Production of Documents from Defendants Smith-Blair, Inc. and Sensus USA, Inc. [DE 157] (the “Krausz Memorandum”) as Exhibits H and I contain non-public commercial information belonging to Smith-Blair, Inc. (“Smith-Blair”) concerning its acquisition of the 421 Top Bolt® products accused of infringement in this case and concerning its internal budgeting processes; and

WHEREAS, the deposition testimony attached to the Krausz Memorandum as Exhibits H and I will be designated by Smith-Blair as “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY” pursuant to the Stipulated Protective Order in this case [DE 106]; and

WHEREAS, it appears to the Court that Smith-Blair claims, in good faith, that disclosure of the nonpublic commercial information contained in Exhibits H and I to the Krausz Memorandum could cause harm to Smith-Blair's competitive position; and

WHEREAS, it appears to the Court that Krausz believes that consideration of the information set forth in Exhibits H and I to the Krausz Memorandum is necessary for Krausz to present its pending motion to compel discovery; and

WHEREAS, the public's right to access to such information is outweighed by the interest which Smith-Blair claims in protecting against its public disclosure; and

WHEREAS, the Court has provided notice to the public of Smith-Blair's motion to seal; and

WHEREAS, it appears that less restrictive alternatives to sealing would not be practical or adequate to preserve the confidentiality of the information in question;

NOW, THEREFORE, upon consideration of Defendant Smith-Blair, Inc.'s Motion to Seal Exhibits H and I to Plaintiff's Memorandum in Support of It's [sic] Motion to Compel Production of Documents from Defendants Smith-Blair, Inc. and Sensus USA, Inc., the memorandum in support thereof, and the entire record herein, it is hereby

ORDERED that Defendant Smith-Blair, Inc.'s Motion to Seal Exhibits H and I to Plaintiff's Memorandum in Support of It's [sic] Motion to Compel Production of Documents from Smith-Blair, Inc. and Sensus USA, Inc. is hereby GRANTED; and it is

FURTHER ORDERED that Exhibits H and I to Plaintiff Krausz Industries, Ltd.'s Memorandum in Support of It's [sic] Motion to Compel Production of Documents from Defendants Smith-Blair, Inc. and Sensus USA, Inc. [DE 157] be FILED UNDER SEAL.

This the 15th of July _____, 2016.

A handwritten signature in black ink that reads "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge