

UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 WESTERN DIVISION
 Civil Action No. 5:13-CV-00125-D

JILL C. MCCABE,

Plaintiff,

vs.

ABBOTT LABORATORIES, INC.,

Defendant.

ORDER

This matter is before the Court on Defendant Abbott Laboratories Inc.'s Motion to Seal, and maintain under seal, (1) Attachments 6, 7, 18 and 22 of the Appendix to Abbott's Memorandum in Support of its Motion for Summary Judgment (Dkt. 27); (2) Attachments 1 through 3 to the Declaration of Kristin Brooks (Dkt. 28); and (3) Attachments 6 and 9 of the Appendix to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Dkt. 31). The Court has reviewed the arguments of counsel and, being otherwise sufficiently advised, will grant the motion.

Abbott's interests in maintaining under seal the confidential business information described in the above-listed documents overcomes the public's First Amendment right of access. The public filing of these documents has the potential to harm Abbott's competitive standing by allowing access of this confidential business information – (a) the programs, methods and formulas through which Abbott provides incentive compensation to its employees and (b) Abbott's specialty pharmacy customer list, business information and contact information – to its direct competitors in the pharmaceutical industry; thereby heavily outweighing the public's interest in openness, particularly where, as here, the information contained in the documents to

be sealed is not generally available to the public in the first place and has no bearing whatsoever on any public matter.

The public has been given notice of Abbott's request to seal and a reasonable opportunity to challenge the request, and no challenges have been made.

The alternatives to sealing the documents are inadequate, because the information set forth in these documents constitute confidential business information that Abbott has protected and maintained internally and the disclosure of which would potentially harm Abbott's competitive standing and provide a competitive advantage to its direct competitors in the pharmaceutical industry. Moreover, the confidential information about its incentive compensation programs that Abbott seeks to protect is set forth throughout each document. Therefore, filing redacted copies of these documents would be impracticable and render the documents incomprehensible.

Additionally, Plaintiff's counsel has consented to this Motion and to sealing and maintaining the identified documents under seal.

Accordingly, IT IS HEREBY ORDERED that Attachments 6, 7, 18 and 22 of the Appendix to Abbott's Memorandum in Support of its Motion for Summary Judgment (Dkt. 27); Attachments 1 through 3 to the Declaration of Kristin Brooks (Dkt. 28); and (3) Attachments 6 and 9 of the Appendix to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Dkt. 31) shall be filed under seal and shall remain under seal in accordance with Local Civil Rule 79.2(b).

It is so ordered this 21 day of ~~March~~^{April}, 2014


United States District Court Judge