

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-527-F

U.S. TOBACCO INC.,)
U.S FLUE-CURED TOBACCO)
GROWERS, INC., and)
BIG SOUTH DISTRIBUTION, LLC,)

Plaintiffs,)

v.)

ORDER

BIG SOUTH WHOLESALE)
OF VIRGINIA, LLC, d/b/a BIG SKY)
INTERNATIONAL, BIG SOUTH)
WHOLESALE, LLC, UNIVERSAL)
SERVICES FIRST CONSULTING,)
a/k/a UNIVERSAL SERVICES)
CONSULTING GROUP, JASON)
CARPENTER, CHRISTOPHER SMALL,)
EMORY STEPHEN DANIEL,)
and other unnamed co-conspirators,)

Defendants,)

UNITED STATES OF AMERICA,)
Intervenor.)

This matter is before the court on the ex parte motion [DE-732, -734] of proposed intervenor John Doe. Plaintiffs object to ex parte consideration of the motion. [DE-735].

The court declines to consider this matter ex parte. Accordingly, the motion at docket entry 734 is DENIED without prejudice, and the movant need not serve the motion or accompanying documents on the parties. The Clerk of Court is DIRECTED to strike from the record the following documents related to the ex parte motion: the documents at docket entries 732, 734, 735, 737, and 740. John Doe may refile his motion if he so chooses, in accordance with

the local rules of this district, including utilizing the district's procedures for filing documents under seal if appropriate.

As the court declines to consider John Doe's documents, there is no presumption of public access to them.¹ Accordingly, the accompanying motions to seal [DE-733, -738] are ALLOWED. The Clerk of Court is DIRECTED to maintain the stricken docket entries under seal. This seal will remain in place until further notice by the court, notwithstanding any previously entered unsealing orders in this case.

SO ORDERED.

This the 6 day of March, 2017.



JAMES C. FOX
Senior United States District Judge

¹ See *In re U.S. for an Order Pursuant to 18 U.S.C. Section 2703(D)*, 707 F.3d 283, 290 (4th Cir. 2013) (noting that a right of access attaches only to judicial records, documents that "play a role in the adjudicative process, or adjudicate substantive rights").