

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Northern Division
No. 5:17-CV-132-FL

GREGORY K. MORGAN,)
)
 Plaintiff,)
)
 v.)
)
 MASSACHUSETTS MUTUAL LIFE)
 INSURANCE COMPANY and affiliates,)
)
 Defendant.)

**ORDER ON QUALITY EQUIPMENT,
LLC’S MOTION TO SEAL**

This matter comes before the Court on third-party Quality Equipment, LLC’s (“Quality Equipment”) Motion to Seal portions of Defendant’s Local Civil Rule 56.1 Statement of Material Facts [DE 31] (“Defendant’s Statement”); Defendant’s Appendix to Local Civil Rule 56.1 Statement of Material Facts [DE 32] (“Defendant’s Appendix”); Defendant’s Brief in Support of Motion for Summary Judgment (“Defendant’s Brief”) [DE 33 and DE 35]; and Plaintiff’s Appendix of Exhibits to Local Rule 56.1 Statement of Material Facts [DE 38] (“Plaintiff’s Appendix”).

WHEREAS, portions of Defendant’s Statement, Defendant’s Appendix, Defendant’s Brief, and Plaintiff’s Appendix (collectively, the “Filings”) contain non-public commercial information belonging to Quality Equipment, including (1) information regarding Quality Equipment’s confidential business strategies or transactions; (2) confidential communications with Quality Equipment’s most significant supplier; and (3) undisclosed financial information, including Quality Equipment’s budget, distributions and specific compensation for its employees; and

WHEREAS, the portions of the Filings at issue in the Motion to Seal have been designated “Confidential” pursuant to the Consent Protective Order [DE 25] in this case; and

WHEREAS, it appears to the Court that Quality Equipment claims, in good faith, that disclosure of the nonpublic commercial information contained in the Filings could cause harm to Quality Equipment’s competitive position; and

WHEREAS, the parties to this action do not object to the filing under seal of the information specified by Quality Equipment, and the Court is aware of no other party asserting an objection; and

WHEREAS, it appears to the Court that the parties believe that consideration of the information set forth in the Filings and at issue in the Motion to Seal is necessary for the parties to present their arguments for their respective Motions for Summary Judgment [DE 27 and DE 36]; and

WHEREAS, the public’s right to access to such information is outweighed by the interest that Quality Equipment claims in protecting against its public disclosure; and

WHEREAS, the Court has provided notice to the public of Quality Equipment’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;

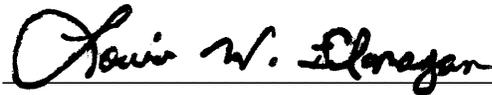
NOW, THEREFORE, upon consideration of Quality Equipment’s Motion to Seal, the memorandum in support thereof, and the entire record herein, it is hereby

ORDERED that Quality Equipment’s Motion to Seal is hereby GRANTED; and it is

FURTHER ORDERED that the following portions of Defendant’s Statement, Defendant’s Appendix, Defendant’s Brief, and Plaintiff’s Appendix be FILED UNDER SEAL:

- Paragraphs 52 and 53 of Defendant’s Statement;
- Defendant’s Appendix pp. 110-111 (Morgan Dep. 161:20-162:6, 162:17-162:23);
- Defendant’s Appendix p. 112 (Morgan Dep. 163:20-163:23-25);
- Defendant’s Appendix p. 113 (Morgan Dep. 165:8 and 165:21) (only the specific percentage amount and dollar amounts);
- Defendant’s Appendix p. 172 (Bowers Dep. 65:7-65:25);
- Defendant’s Appendix p. 173 (Bowers Dep. 68:24-68:25);
- Defendant’s Appendix p. 174 (Bowers Dep. 70:3-70:10);
- Defendant’s Appendix pp. 178-181 (Bowers Dep. Ex. 3).
- The following lines (or portions thereof) in Defendant’s Brief:
 - Page 11 – lines 21-22 (last sentence of page);
 - Page 12 – lines 1-3 (first sentence of page);
 - Page 23 – lines 11-12 (subsection (2) of the last sentence of the first full paragraph);
 - Page 24 – lines 3-7;
 - Page 28 – line 5; and
- Ex. 2 of Plaintiff’s Appendix (Morgan Aff. ¶¶ 5, 8, and 9).

SO ORDERED, this the 13th day of April, 2018.



LOUISE W. FLANAGAN
United States District Judge