

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western 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 SECOND MOTION TO SEAL**

This matter comes before the Court on third-party movant Quality Equipment, LLC’s (“Quality Equipment”) Second Motion to Seal with respect to Defendant’s Response to Plaintiff’s Motion for Partial Summary Judgment (“Defendant’s Response”) [DE 54].

WHEREAS, portions of Defendant’s Response contains non-public commercial information pertaining to Quality Equipment, specifically confidential communications with Quality Equipment’s most significant supplier regarding specific personnel decisions with respect to Plaintiff and with respect to an executive officer position within Quality Equipment;

WHEREAS, the information at issue in Defendant’s Response and at issue in the Second Motion to Seal have been designated “Confidential” pursuant to the Consent Protective Order [DE 25] in this case;

WHEREAS, it appears to the Court that Quality Equipment claims, in good faith, that disclosure of the nonpublic commercial information contained in Defendant’s Response 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 Defendant's Response and at issue in Quality Equipment's Second 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 Second 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 Second Motion to Seal, the memorandum in support thereof, and the entire record herein, it is hereby

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

FURTHER ORDERED that Defendant's Response be FILED UNDER SEAL.

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



LOUISE W. FLANAGAN
United States District Judge