

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on the parties’ motions to seal portions of Defendant’s proposed supplemental reply to its Seventh Motion to Compel Discovery and related filings. The parties seek to seal the filings on the ground they contain “sensitive and highly confidential information concerning third parties’ processes for the manufacture of azoxystrobin” (Def.’s Mot. Seal [DE #290] at 2) and “sensitive business and technical information concerning Syngenta’s confidential communications with third parties, and Syngenta’s strategies on sales, marketing, generic competition, its patent portfolio, and evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property” (Mot. Seal [DE #299] at 1). The parties have each filed proposed redacted versions of the documents, omitting the portions they contend should not be available to the public.

For the reasons set forth in the parties’ motions and supporting memoranda, the court finds that the public’s common law right of access is outweighed by the interests of the parties and third-party manufacturers in protecting against

competitive and/or financial harm were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of the parties' requests to seal and a reasonable opportunity to object have been provided by the filing of their motions, and no objections have been filed with the court. Moreover, the parties have narrowly tailored their requests to remove only information that is sensitive and confidential and not otherwise publicly known. Accordingly, the motions to seal are allowed.

CONCLUSION

For the foregoing reasons, the court GRANTS Defendant's motion to seal [DE #290] and Plaintiff's Motion to Seal [DE #311] and ORDERS as follows:

1. The following filings shall be SEALED:

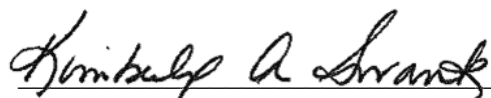
a. Defendant's Proposed Supplemental Reply in Support of its Seventh Motion to Compel Discovery [DE #287-1] and the redacted versions thereof filed at DE ##291, 312-3;

b. Exhibit 7 to Declaration of Robert J. Scheffel in Support of Defendant's Motion for Leave [DE ##288-8]. A redacted version of this filing is available to the public on the court's docket at DE # 312-4; and

c. Plaintiff's Response to Defendant's Motion for Leave [DE #309]. A redacted version of this filing is available to the public on the court's docket at DE #312-5.

2. Within seven (7) days of the date this order is entered, the parties shall prepare and file a publicly available version of Defendant's Proposed Supplemental Reply in Support of its Seventh Motion to Compel redacting the sealed information.

This 9th day of January 2022.



KIMBERLY A. SWANK
United States Magistrate Judge