

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 Defendant’s unopposed motion to seal documents submitted in connection with Defendant’s Motion for Sanctions. Specifically, Defendant seeks to seal the filings on the ground they contain confidential business and technical information, including information concerning third parties’ processes for the manufacture of azoxystrobin and confidential agreements with other entities. (Mot. Seal [DE #406] at 2-3.)

For the reasons set forth in Defendant’s motion and supporting memorandum, 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 Defendant’s request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Defendant has narrowly tailored its request to remove only information that is sensitive and

confidential and not otherwise publicly known. Defendant's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Defendant's Motion to Seal [DE #406] is GRANTED, and the following documents shall be SEALED:

a. Declaration of Robert J. Scheffel [DE #399]. A redacted version of the declaration is filed at DE #407-1;

b. Exhibits 5, 10, 20, and 29 to Declaration of Robert J. Scheffel [DE ## 399-2, 399-6, 399-13, 399-18]. Redacted versions of these exhibits are filed at DE ## 407-2, 407-3, 407-4, 407-5.

2. The clerk is directed to UNSEAL the following provisionally sealed documents unless a motion to seal is filed within seven (7) days of the date this order is entered:

a. The redacted version of Declaration of Robert J. Scheffel [DE #407-1];

b. Exhibits 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 23, 26, 27, 28, and 30 to Declaration of Robert J. Scheffel [DE ##399-3, 399-4, 399-5, 399-7, 399-8, 399-9, 399-10, 399-11, 400-17, 399-12, 399-14, 399-15, 399-16, 399-17, 399-19];

c. Redacted versions of Exhibits 5, 10, 20, and 29 to Declaration of Robert J. Scheffel [DE ##407-2, 407-3, 407-4, 407-5].

This 10th day of January 2022.



KIMBERLY A. SWANK
United States Magistrate Judge