

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-CV-695-FDW-DCK**

BARONIUS PRESS, LTD.,)
)
 Plaintiff,)
)
 v.)
)
 SAINT BENEDICT PRESS LLC,)
)
 Defendant.)

ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion To Seal Exhibit[] 10 To Its Response In Opposition To Defendant’s Motion To Compel Discovery” (Document No. 90) filed November 6, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of Defendant’s counsel, the undersigned will grant the motion.

A party who seeks to seal any pleading must comply with Local Civil Rule 6.1. This Local Rule (“LCvR.”) provides in relevant part as follows:

LCvR 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(c) ***Motion to Seal or Otherwise Restrict Public Access.*** A party’s request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to L.Cv.R 7.1. Such motion must be filed electronically under the designation “Motion to Seal.” The motion must set forth:

- (1) A non-confidential description of the material sought to be sealed;
- (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;

- (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4) Supporting statutes, case law, or other authority.

To the extent the party must disclose any confidential information in order to support the motion to seal, the party may provide that information in a separate memorandum filed under seal.

Local Rule. 6.1(c).

The undersigned observes that Plaintiff has barely addressed the first three factors, but has provided no supporting authority. (Document No. 90). Nevertheless, having considered these factors and noting that subsequent emails from counsel to the undersigned's staff indicate that the parties agree that Exhibit 10 should be sealed, the Court will grant the motion. Inasmuch as the time for public response has not run to this motion, the Court will consider any objection to this Order from non-parties as an objection to the motion, requiring no additional burden for any non-party under the Federal Rules of Civil Procedure. See Local Rule 6.1(e).

CONCLUSION

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion To Seal Exhibit[] 10 To Its Response In Opposition To Defendant's Motion To Compel Discovery" (Document No. 90) is **GRANTED**. Plaintiff may file Exhibit 10 under seal, and Exhibit 10 shall remain under seal until otherwise ordered by this Court.

Signed: November 7, 2018



David C. Keesler
United States Magistrate Judge

