

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 5:17-cv-0096-RLV-DSC

BLAIR COLEMAN,)
)
 Plaintiff,)
)
)
)
)
 v.)
)
 HEATHER WILSON,)
 Secretary of the Air Force,)
)
)
 Defendant.)
 _____)

**ORDER GRANTING
DEFENDANT’S UNOPPOSED
MOTION FOR LEAVE TO FILE
UNDER SEAL**

This matter coming on to be heard on Defendant’s Unopposed Motion for Leave to File Under Seal, without oral argument, and the Court, having reviewed the applicable pleadings and noting that the Motion is unopposed, and, to expedite the flow of materials between the parties and the Court and to protect adequately material entitled to be kept confidential, and to ensure that protection is afforded only to material so entitled, finds that because certain proposed exhibits to Defendant’s forthcoming motion contain information pertaining to Plaintiff’s medical condition, diagnoses and/or treatment, and other healthcare information, such personal information may be subject to the Privacy Act of 1974, 5 U.S.C. § 552a, or otherwise unfit for public disclosure, and that allowing the Defendant to file certain portions of the PDBR administrative record and/or other confidential records under seal in conjunction with its motion to dismiss is necessary to safeguard the confidentiality of that information.

Accordingly, the Court so ORDERS:

1. That the Defendant's Motion is GRANTED and Defendant is authorized to disclose to the Court and file the following documentary exhibits in support of its forthcoming motion to dismiss under seal:

(a) Commander's Mission Impact Statement (*Exhibit 1* to Johnson Declaration);

(b) Informal Physical Evaluation Board Findings and Recommendation (*Exhibit 2* to Johnson Declaration);

(c) Veterans Affairs Disability Rating (*Exhibit 5* to Johnson Declaration);

(d) DD Form 294 – PDBR Application (*Exhibit 6* to Johnson Declaration); and

(e) Issuance of PDBR Decision (*Exhibit 7* to Johnson Declaration).

2. That the exhibits identified in Paragraph 1 shall be filed electronically through the Court's electronic case filing system in accordance with the provisions of Section II(A)(11) of the WDNC Administrative Procedures Governing Filing and Service by Electronic Means (revised August 1, 2016). Such documents shall be marked with the notation FILED UNDER SEAL.

3. Nothing in this Order requires Defendant to file its motion to dismiss, or memorandum and declaration in support of the same under seal and the same shall not be filed under seal.

4. Personnel of the Court and counsel of record are entitled to electronically access the sealed documents without further action.

5. The Court will maintain properly marked protected documents under seal throughout this litigation.

6. Upon conclusion of this action (including any appeals and remands), any materials that have been filed with the Court under seal will remain under seal permanently. Copies of such materials may be returned by the Court to the filing parties for disposition.

SO ORDERED.

Signed: August 10, 2017



David S. Cayer
United States Magistrate Judge

