

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:18-CV-075-KDB-DCK**

**BENJAMIN REETZ,** )  
 )  
 )  
 **Plaintiff,** )  
 )  
 )  
 **v.** )  
 )  
 )  
 **LOWE’S COMPANIES, INC.,** )  
 **ADMINISTRATIVE COMMITTEE OF** )  
 **LOWE’S COMPANIES, INC., and AON** )  
 **HEWITT INVESTMENT CONSULTING, INC.** )  
 )  
 **Defendants.** )

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Lowe’s Defendants’ Motion To Seal Summary Judgment Exhibits” (Document No. 196) filed February 11, 2021. 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 the motion is not opposed, the undersigned will grant the motion.

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

**LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.**

(a) **Scope of Rule.** To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party’s request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision- making. As used in this Rule, “materials” includes pleadings and documents of any nature and in any medium or format.

(b) **Filing under Seal.** No materials may be filed under seal except by Court order, pursuant to a statute, or in accordance with a

previously entered Rule 26(e) protective order.

(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 LCvR 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.

Local Rule 6.1. It appears that the requirements of Local Rule 6.1(c)(1) through (4) have been adequately met.

Defendants assert that "[t]he exhibits at issue are suitable for filing under seal under the First Amendment standard because they contain confidential and proprietary business and financial information that is not generally disclosed to the public, the disclosure of which would cause significant harm to the Lowe's Defendants and other parties, and the harm that would result from disclosure outweighs any public interest in accessing them." (Document No. 196, p. 2) (citing Jones v. Lowe's Cos., 3:17-cv140-KDB-DSC, 402 F.Supp.3d 266, 293 (W.D.N.C. 2019))

The undersigned finds Defendant's arguments and legal authority to be persuasive; however, noting that 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).

**IT IS, THEREFORE, ORDERED** that Lowe's Defendants' Motion To Seal Summary

Judgment Exhibits” (Document No. 196) is **GRANTED**. The following documents shall remain under seal until otherwise ordered by the Court:

Document No. 136  
Document No. 141  
Document No. 168  
Document No. 172  
Document No. 187  
Document No. 191  
Document No. 136-03  
Document No. 136-04  
Document No. 136-05  
Document No. 136-06  
Document No. 136-07  
Document No. 136-08  
Document No. 136-09  
Document No. 136-10  
Document No. 136-104  
Document No. 136-105  
Document No. 136-109  
Document No. 136-12  
Document No. 136-13  
Document No. 136-14  
Document No. 136-15  
Document No. 136-16  
Document No. 136-17  
Document No. 136-18  
Document No. 136-19  
Document No. 136-20  
Document No. 136-22  
Document No. 136-25  
Document No. 136-33  
Document No. 136-34  
Document No. 136-38  
Document No. 136-50  
Document No. 136-52  
Document No. 136-53  
Document No. 136-57  
Document No. 136-69  
Document No. 136-76  
Document No. 136-90  
Document No. 136-91  
Document No. 136-92  
Document No. 136-93  
Document No. 136-94

Document No. 136-95  
Document No. 136-96  
Document No. 136-97  
Document No. 136-98  
Document No. 141-01  
Document No. 141-02  
Document No. 141-03  
Document No. 141-04  
Document No. 141-05  
Document No. 141-06  
Document No. 141-07  
Document No. 141-08  
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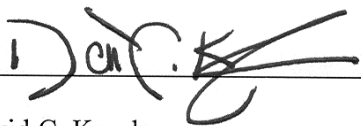
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Document No. 148-01  
Document No. 148-03  
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Document No. 172-03  
Document No. 172-04

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Document No. 172-06  
Document No. 172-07  
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Document No. 188-03  
Document No. 188-04  
Document No. 191-01  
Document No. 191-02  
Document No. 191-03  
Document No. 191-04

**SO ORDERED.**

Signed: February 26, 2021

  
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David C. Keesler  
United States Magistrate Judge

