

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Lenny M. Chapman and)
Tracy M. Chapman,)
)
)
Plaintiffs,)

vs.)

**ORDER FINDING AS MOOT
MOTION TO SEAL**

Hiland Operating, LLC, a Foreign)
Company, Hiland Partners GP Holdings,)
LLC, a Foreign Company, and Hiland)
Partners LP, a Foreign Partnership,)

Case No. 1:13-cv-052

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)
Defendants and)
Third-Party Plaintiff)
(Hiland Operating, LLC))

vs.)

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)
Missouri Basin Well Service, Inc., and)
B&B Heavy Haul, LLC,)
)
)
Third-Party Defendants.)

Before the court is defendant Hiland Operating, LLC’s “Motion to Seal Previously Filed Exhibits” filed May 1, 2014. Defendant requests that the deposition transcript filed at Docket No. 150-2 and medical records filed at Docket No. 150-3 be sealed.

On April 28, 2014, defendants filed a “Motion for Leave to File Under Seal” requesting leave to file two documents, University of Utah records for Plaintiffs Lenny and Tracy Chapman and Human Dynamics and Diagnostics records for Plaintiff Lenny Chapman, under seal. The motion was granted, and on April 28, 2014, defendant filed a reply at Docket No. 150 and five attachments at Docket Nos. 150-1 through 150-5. Although defendants’ motion for leave to file under seal

identified only two documents to be filed under seal, defendants filed the reply and all five attachments under seal. Accordingly, the exhibits defendant seeks leave to seal have been sealed since the time of filing and defendant's "Motion to Seal Previously Filed Exhibits" is **DEEMED MOOT**.

Docket No. 150 is a reply to a motion to compel. The court's Order Establishing Discovery Dispute Procedure issued January 24, 2014, ordered that no replies were to be filed to discovery dispute briefing. After filing its reply, defendant file a motion requesting leave to file the reply or in the alternative, to withdraw Docket No. 150. If at a later date it is determined that any portion of defendant's reply should be unsealed, defendant will be directed to refile its reply and the exhibits accordingly. However, at this point, Docket No. 150 and the attached exhibits shall remain under seal until further order of the court.

IT IS ORDERED.

Dated this 6th day of May, 2014.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court