IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA ROCK HILL DIVISION

United States of America *ex rel.* BRIANNA MICHAELS and AMY WHITESIDES,

C/A No. 0:12-cv-03466-JFA

Relators,

VS.

AGAPE SENIOR COMMUNITY, INC.; AGAPE SENIOR PRIMARY CARE, INC.: AGAPE SENIOR SERVICES, INC.; AGAPE SENIOR, LLC: AGAPE MANAGEMENT SERVICES, INC.; AGAPE COMMUNITY HOSPICE, INC.; AGAPE NURSING AND REHABILITATION CENTER, INC. d/b/a AGAPE REHABILITATION OF ROCK HILL a/k/a AGAPE SENIOR POST ACUTE CARE CENTER – ROCK HILL a/k/a EBENEZER SENIOR SERVICES, LLC: AGAPE SENIOR FOUNDATION, INC.; AGAPE COMMUNITY HOSPICE OF ANDERSON, INC.; AGAPE HOSPICE OF THE PIEDMONT, INC.; AGAPE COMMUNITY HOSPICE OF THE GRAND STRAND, INC.; AGAPE COMMUNITY HOSPICE OF THE PEE DEE, INC.; AGAPE COMMUNITY HOSPICE OF THE UPSTATE, INC.; AGAPE HOSPICE HOUSE OF HORRY COUNTY, INC.; AGAPE HOSPICE HOUSE OF LAURENS, LLC: AGAPE HOSPICE HOUSE OF THE LOW COUNTRY, INC.; AGAPE HOSPICE HOUSE OF THE PIEDMONT, INC.; AGAPE REHABILITATION OF CONWAY, INC.; AGAPE SENIOR SERVICES FOUNDATION, INC.; AGAPE THERAPY, INC.; AGAPE HOSPICE; HOSPICE PIEDMONT; HOSPICE **ROCK HILL: and CAROLINAS** COMMUNITY HOSPICE, INC.,

Defendants.

ORDER

This matter comes before the Court on Defendants' motion to file under seal the

Defendants' Reply in Further Support of Motion for Partial Summary Judgment and

Memorandum in Support (the "Reply"). The Reply details a proposed settlement agreement,

which has not been made public and will not be made public until such settlement agreement is

consummated.

After reviewing the memorandum in support, the Court grants the foregoing motion to

seal, ECF No. 289. The parties are entitled to conduct negotiations in confidence. Confidential

materials appear throughout the Motion for Partial Summary Judgment and the Reply-

rendering redaction impractical. Further, the Motion for Partial Summary Judgment and the

Reply do not relate to any historical public event; therefore, there is no question of whether the

release of the sealed documents would enhance the public's understanding of an important

historical event. Finally, cases in which sealing has been denied have involved strong public

interest; however, no such countervailing public interest outweighs the interest of the parties in

the confidentiality of their negotiations.

Public notice of the request to seal and opportunity to object is afforded by virtue of the

publicly filed motion to seal. No objections have been filed to the motion to seal. Accordingly,

the Court finds persuasive the arguments of counsel in favor of sealing the document. The

confidential nature of the status of settlement in the documents at issue requires that the Reply be

sealed.

IT IS SO ORDERED.

June 5, 2015

Columbia, South Carolina

Joseph F. Anderson, Jr.

Joseph J. anderson, J.

United States District Judge