

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

| | | |
|---------------------------------------|---|----------------------------|
| Phillip Wade Grimes, Personal |) | |
| Representative of the Estate of O.G., |) | C.A. No. 8:16-1410-HMH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | OPINION & ORDER |
| |) | |
| Young Life, Inc.; Inner Quest, Inc.; |) | |
| and Adventure Experiences, Inc., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on Inner Quest, Inc.’s (“Inner Quest”) motion to seal its challenge course manual for the Standard 3-Person Giant Swing (the “Inner Quest Manual”) and a contract between Young Life, Inc. (“Young Life”) and Inner Quest for the installation of a three-person giant swing (the “Contract”) pursuant to Local Civil Rule 5.03 of the District of South Carolina. Inner Quest seeks to file the Inner Quest Manual and Contract under seal as an exhibit to its motion for summary judgment as to Grimes’ claims. The other parties do not object to sealing the Inner Quest Manual and Contract.

In Ashcraft v. Conoco, Inc., the Fourth Circuit noted that a district court “has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” 218 F.3d 288, 302 (4th Cir. 2000) (internal quotation marks omitted). However, there is a presumption in favor of public access to court records. Id.; see also Stone v. Univ. of Md. Med. Sys. Corp., 855 F.2d 178, 180 (4th Cir. 1988). In order to seal documents, the court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to

sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft, 218 F.3d at 302.

Public notice has been satisfied through docketing of Inner Quest’s motion to seal. See Local Civ. R. D.S.C. 5.03(D). The court previously allowed Young Life to file the Contract under seal in an order dated January 23, 2017. (Jan. 23, 2017 Order, ECF No. 108.) For the reasons set forth in the court’s January 23, 2017 order, the court finds that there is cause to allow Inner Quest to file the Contract under seal for purposes of its motion for partial summary judgment.

Inner Quest contends that the Inner Quest Manual contains proprietary information regarding the business and operations of Inner Quest. (Mot. Seal 2, ECF No. 139.) The Plaintiff’s complaint alleges negligence and strict liability claims arising from the death of Olivia Grimes, who fell from the three-person swing. (Sec. Am. Compl., generally, ECF No. 82.) Specifically, the Plaintiff alleges that Inner Quest was reckless or negligent in failing to develop adequate safety procedures, failing to adequately warn Young Life of the danger of the three-person swing, and that the dangerous operation of the three-person swing was foreseeable. (Id. ¶¶ 62, 78, 82, ECF No. 82.)

Inner Quest’s assertion that the Inner Quest Manual contains confidential and proprietary information is not supported by a review of the documents. The manual, by its own terms, is designed as a supplement for trained instructors and provides only standard safety and use instructions. The Inner Quest Manual does not contain information that would appear to be prejudicial to Inner Quest’s competitive standing if made public. See Cochran v. Volvo Grp. N. America, LLC, 931 F. Supp. 2d 725, 729 (D. Md. 2013). Further, the public’s interest in information central to this case outweighs Inner Quest’s interests in maintaining the

confidentiality of its safety procedures. See id. Based on the foregoing, Inner Quest has failed to overcome the public's presumptive right to access judicial documents and records with respect to the Inner Quest Manual.

It is therefore

ORDERED that Inner Quest's motion to seal, docket number 139, is granted in part and denied in part. It is further

ORDERED that Inner Quest file the Inner Quest Manual as an additional attachment to its motion for summary judgment, docket number 140. Inner Quest may file the Contract under seal using the event "Sealed Document."

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
April 24, 2017