WD-I Associates LLC v. Calvert Retail LP Doc. 7

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

WD-1 Associates, LLC,	)	
	)	
Plaintiff,	)	C.A. No.: 9:17-cv-2218-PMD
	)	
v.	)	**ORDER**
	)	
Calvert Retail, L.P.,	)	
	)	
Defendant.	)	
	)	

This matter is before the Court on WD-1 Associates, LLC's motion to seal (ECF No. 6). WD-1 Associates asks the Court for permission to file a partially redacted complaint and to file, under seal, a lease agreement that is referenced in the complaint and attached to it as an exhibit.

A party wishing to file a document under seal must first obtain this Court's approval. *See* Local Civ. Rule 5.03 (D.S.C.). WD-1 Associates did not follow that "mandatory procedure." *Id.* Instead, on August 18, 2017, it filed a partially redacted complaint that omitted the lease as an exhibit. It then filed its motion to seal five days later. "Failure to obtain prior approval . . . shall result in summary denial of any request or attempt to seal filed documents." *Id.* Therefore, the Court WD-1 Associates' motion is **DENIED**.[1] Within five days of this order, WD-1 shall file an unredacted copy of the complaint that includes the lease.

AND IT IS SO ORDERED.

PATRICK MICHAEL DUFFY
United States District Judge

August 24, 2017
Charleston, South Carolina

1. Even if Local Civil Rule 5.03 did not mandate denial, the Court would still deny WD-1 Associates' motion. The sole relief WD-1 Associates seeks here is a declaratory judgment regarding the parties' rights and obligations under the lease. WD-1 Associates wants the complaint redacted, and the lease sealed, because the lease contains a confidentiality provision and because it purportedly contains economically sensitive information. The Court has previously found such grounds fail to rebut the common-law presumption of public access to court proceedings. *See GDMB Operations LLC v. Grande Dunes Dev. Co.*, No. 2:17-cv-585-PMD, slip op. (D.S.C. Mar. 15, 2017); *Higdon v. Nestle Purina Petcare Co.*, No. 8:14-cv-3737-HMH, 2014 WL 12613270, at *1 (D.S.C. Oct. 10, 2014). So too here.

Dockets.Justia.com