

United States District Court
Southern District of Texas

ENTERED

August 18, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRITTANIA-U NIGERIA LIMITED,

Plaintiff,

V.

CHEVRON U.S.A, INC, ALI MOSHIRI
and MONCEF ATTIA,

Defendants.

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CIVIL ACTION NO. H-16-1457

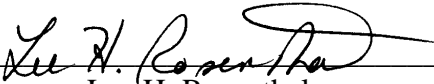
ORDER

On June 9, 2016, defendant Chevron U.S.A., Inc. moved for leave to file its motion to dismiss under seal. (Docket Entry No. 3). Chevron argued that certain exhibits attached to the motion to dismiss and referred to in the motion and briefs contain confidential business information. *See Earle v. Aramark Corp.*, 247 F. App'x 519, 525–26 (5th Cir. 2007). The court granted the motion. (Docket Entry No. 5). Defendant Moncef Attia has filed a similar motion to seal, arguing that exhibits attached to its motion to dismiss contain confidential business information. (Docket Entry No. 30).

Although a court may seal records to protect against harm to a party that would result from disclosure, “the balance is heavily weighted in favor of protective measures other than absolute closure.” *Belo Broad. Corp. v. Clark*, 654 F.2d 423, 432 (5th Cir. 1981). The exhibits to Attia’s and Chevron’s motions to dismiss appear to contain confidential business information that makes sealing appropriate. But the motions and briefs do not discuss that information in a way that requires sealing the motions and briefs entirely as well. Instead, they should be filed in the publicly available records, subject to specific redactions that the parties ask leave to make.

The court grants in part and denies in part Attia's motion to seal, (Docket Entry No. 30), and modifies its previous order granting Chevron's motion to seal, (Docket Entry No. 5). The exhibits in Attia's and Chevron's motions to dismiss that contain confidential business information may be filed under seal. Two versions of the motions and supporting or opposing briefs must be filed: a version with the parties' proposed redactions, limited to discussions of the confidential information, and a sealed version with no redactions.

SIGNED on August 18, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge