

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**CITYNET, LLC, on behalf of
United States of America,**

Plaintiff,

v.

Case No.: 2:14-cv-15947

**FRONTIER WEST VIRGINIA, INC.,
et al.,**

Defendants.

**MEMORANDUM OPINION AND ORDER SEALING
EXHIBIT D TO PLAINTIFF'S REPLY IN SUPPORT
OF ITS THIRD MOTION TO COMPEL**

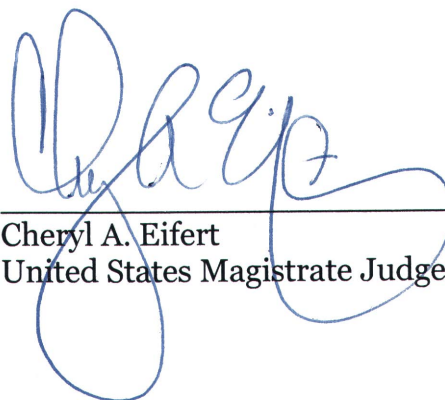
Pending before the Court is the Plaintiff's Motion for Leave to File Under Seal, (ECF No. 372), requesting Exhibit D to its Reply in Support of its Third Motion to Compel be filed as sealed. The Court notes that the attached Exhibit D contains confidential information. Due to the confidential nature of this information, this Court **GRANTS** Plaintiff's motion to seal and **ORDERS** the Clerk to file Exhibit D to Plaintiff's Reply in Support of its Third Motion to Compel, (ECF No. 372-1) as sealed. The Motion itself, (ECF No. 372), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3)

provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Exhibit D to Plaintiff's Reply in Support of its Third Motion to Compel shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the nature of the information set forth in the document—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Moreover, the information provided in this Exhibit is for the purpose of resolving a discovery dispute, rather than for disposition of substantive claims in this action. Accordingly, the Court finds that sealing Exhibit D to Plaintiff's Reply in Support of its Third Motion to Compel does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file Exhibit D to Plaintiff's Reply in Support of its Third Motion to Compel, (ECF Nos. 372-1), under seal.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: June 21, 2022



Cheryl A. Eifert
United States Magistrate Judge