

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

HUNTINGTON DIVISION

SEAN C. COLLINS,

Plaintiff,

v.

Case No. 3:17-cv-01902

**LOWE'S HOME CENTERS, LLC, and,
SCOTT HORSFIELD, Individually and as
Manager of LOWE'S HOME CENTERS, LLC,**

Defendants.

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

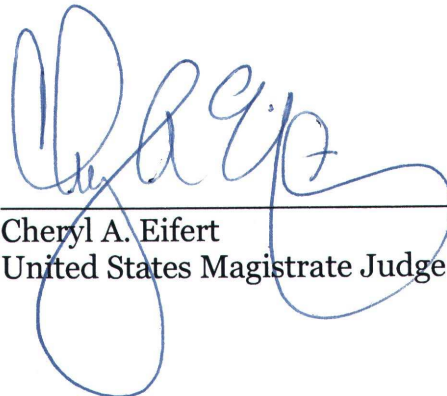
Pending before the Court is Defendants' Motion to File under Seal (ECF No. 82), requesting the attached Exhibit No. 4 be filed under seal and made a part of Defendants' Response in Opposition of Plaintiff's Motion for Protective Order to Stay the Subpoena of Josephine Collins. (ECF No. 81). Defendants assert that Exhibit No. 4 has been marked as "Confidential" by Plaintiff as part of Plaintiff's response to supplemental discovery requests in this matter. Defendants further state that Exhibit No. 4 contains personal information that has been deemed "Confidential" in accordance with the Agreed Protective Order filed in this matter. Defendants request that Exhibit No. 4 (ECF No. 82-1), be sealed and filed as sealed to Defendants' Response in Opposition of Plaintiff's Motion for Protective Order to Stay the Subpoena of Josephine Collins. Given Defendants' representations that Exhibit No. 4 has been marked as "Confidential" in keeping with the Agreed Protective Order and Exhibit No. 4 contains highly personal information, the Court **GRANTS** the Motion to Seal and **ORDERS** that Exhibit No. 4 (ECF No. 82-1), be

sealed and made a part of Defendants' Response to Plaintiff's Motion for Protective Order to Stay the Subpoena of Josephine Collins. (ECF No. 81).

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 No. 4 to Defendants' Response 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 confidential nature of the information, and the fact that the information is interspersed throughout Exhibit No. 4, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing Exhibit No. 4 to Defendants' Response in Opposition of Plaintiff's Motion for Protective Order to Stay the Subpoena of Josephine Collins does not unduly prejudice the public's right to access court documents.

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

ENTERED: May 11, 2018



Cheryl A. Eifert
United States Magistrate Judge