

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

**HUNTINGTON DIVISION**

**RONALD CUNAGIN, as father and  
next friend of J.C., an infant,**

**Plaintiff,**

**v.**

**Case No. 3:19-cv-00250**

**CABELL HUNTINGTON HOSPITAL, INC.,  
a West Virginia corporation,**

**Defendant.**

**MEMORANDUM OPINION and ORDER SEALING DOCUMENTS**

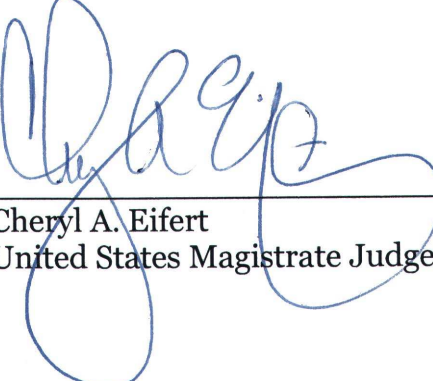
Pending before the Court is Plaintiff's Motion to File Motion to Compel, Memorandum in Support and Referenced Exhibits under Seal (ECF No. 24), requesting the attached Motion to Compel Defendant Cabell Huntington Hospital's Answers and Production of Documents to Plaintiff's First Set of Interrogatories and Plaintiff's First Set of Requests for Production of Documents, Memorandum of Law in Support of the Motion to Compel and attached Exhibits be filed under seal. Plaintiff argues that the Motion to Compel, Memorandum of Law in Support of the Motion to Compel and attached Exhibits contain documents which have been properly designated as confidential pursuant to a protective order.

Given that Plaintiff's Motion to Compel is not a dispositive motion, and given that objections to the confidential designation of the documents have not been addressed by the Court and the parties, the Court **GRANTS** the Motion to Seal and **ORDERS** that Plaintiff's Motion to Compel, Plaintiff's Memorandum of Law in Support of Plaintiff's

Motion to Compel and attached Exhibits be filed as sealed. (ECF Nos. 24-2 through 24-17). 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, Plaintiff's Motion to Compel, Memorandum of Law in Support of Plaintiff's Motion to Compel and attached Exhibits 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 documents, but in view of the confidential nature of the information, and the format on which the information is contained, no such alternatives are feasible at this time. Moreover, the public's right to be informed regarding the particulars of a discovery motion is outweighed by the interest of the parties to be protected in this circumstance. Accordingly, the Court finds that sealing Plaintiff's Motion to Compel, Memorandum of Law in Support of Plaintiff's Motion to Compel and attached Exhibits 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:** January 13, 2020



Cheryl A. Eifert  
United States Magistrate Judge