

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

RAI STRATEGIC HOLDINGS, INC. and
R.J. REYNOLDS VAPOR COMPANY,

Plaintiffs and Counterclaim
Defendants,

v.

ALTRIA CLIENT SERVICES LLC; PHILIP
MORRIS USA INC.; and PHILIP MORRIS
PRODUCTS S.A.

Defendants and Counterclaim
Plaintiffs.

Civil Action No. 1:20-cv-393-LO-TCB

ORDER GRANTING PMI/ALTRIA'S MOTION TO SEAL

This matter is before the Court on Plaintiffs Altria Client Services, LLC, Philip Morris USA Inc., and Philip Morris Products S.A. ("PMI/Altria") motion to file their Motion to Show Cause Why Sanctions Should Not be Imposed ("Motion to Show Cause") and Exhibits 2-5, 10, and 17 thereto ("Exhibits") under seal pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(C). (Dkt. 1161.) Upon consideration of PMI/Altria's motion to seal and its memorandum in support ("Sealing Motion"), the Court **FINDS** as follows:

1. The public has received notice of the request to seal and has had reasonable opportunity to object. PMI/Altria's Sealing Motion was publicly docketed in accordance with Local Civil Rule 5. Defendants RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Co. (collectively, "RJR") have had an opportunity to respond. The "public has had ample opportunity to object" to PMI/Altria's Sealing Motion and, since "the Court has received no objections," the first requirement under *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000), has been

satisfied. *GTSI Corp. v. Wildflower Int'l, Inc.*, No. 09-cv-123, 2009 WL 1248114, at *9 (E.D. Va. Apr. 30, 2009); *see also U.S. ex rel. Carter v. Halliburton Co.*, No. 10-cv-864, 2011 WL 2077799, at *3 (E.D. Va. May 24, 2011) (“[T]he parties provided public notice of the request to seal that allowed interested parties a reasonable opportunity to object—nearly two weeks.”).

2. PMI/Altria seek to seal and to redact from the public record only information designated by the parties and/or third parties as confidential. PMI/Altria will file publicly a redacted version of their Motion and Exhibits, in addition to a sealed version, and will redact only those limited portions it seeks to seal. This selective and narrow protection of confidential material constitutes the least drastic method of shielding the information at issue. *See Adams v. Object Innovation, Inc.*, No. 11-cv-272, 2011 WL 7042224, at *4 (E.D. Va. Dec. 5, 2011) (finding that plaintiffs’ “proposal to redact only the proprietary and confidential information, rather than seal the entirety of his declaration, constitutes the least drastic method of shielding the information at issue”). The public has no legitimate interest in the parties’ confidential information. *See id.* at *4 (“[T]here is no legitimate public interest in disclosing the proprietary and confidential information of [the defendant] . . . and disclosure to the public could result in significant damage to the company.”). The information that PMI/Altria seek to seal includes confidential, proprietary, and competitively sensitive business information of the parties and/or third parties, each of which could face harm if such information were to be released publicly.

3. There is support for filing portions of PMI/Altria’s Motion and Exhibits, with a publicly filed version containing strictly limited redactions. The Motion and Exhibits contain material designated confidential under the stipulated protective order. Accordingly, PMI/Altria are required to file this material under seal pursuant to the stipulated protective order. Placing these materials under seal is proper because the public’s interest in access is outweighed by a

