

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

RAI STRATEGIC HOLDINGS, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:20-cv-393 (LO/TCB)
	)	
ALTRIA CLIENT SERVICES LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ORDER**

This matter comes before the Court on Defendants Altria Client Services, LLC, Philip Morris USA Inc., and Philip Morris Products S.A.’s (“Defendants”) Motion to Redact Portions of the November 18, 2020 Hearing Transcript (Dkt. 454) and supporting memorandum (Dkt. 455). Defendants request that the Court redact lines 11:4 and 11:6-8 of the parties’ November 18, 2020 *Markman* hearing transcript (Dkt. 443).

District courts have authority to seal court documents “if the public’s right of access is outweighed by competing interests.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). Procedurally, a district court may seal court filings if it (1) “provide[s] public notice of the request to seal and allow[s] interested parties a reasonable opportunity to object, (2) consider[s] less drastic alternatives to sealing the documents, and (3) provide[s] specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Id.*

Upon consideration of Defendants’ filings, the Court makes the following findings.

First, Defendants have provided public notice of its request to seal the requested portions

and interested parties have been given a reasonable opportunity to object. Defendants filed their motion to redact on the public docket on February 12, 2021. (*See* Dkt. 454.) Because over seven days have elapsed since Defendants filed the motion and no interested party has objected, the Court may treat this motion as uncontested under Local Civil Rule 5(C). *See* L. Civ. R. 5(C). Accordingly, Defendants have satisfied this requirement under *Ashcraft* and the Local Civil Rules.

Second, this Court has considered less drastic. Defendants seek to redact only a few lines from the 126-page transcript. This selective protection of information constitutes the least drastic measure of sealing confidential material. *See Adams v. Object Innovation, Inc.*, No. 3:11cv272-REP-DWD, 2011 WL 7042224, at \*4 (E.D. Va. Dec. 5, 2011) “[The] proposal to redact only the proprietary and confidential information, rather than seal the entirety of [the document], constitutes the least drastic method of shielding the information at issue.”), *report and recommendation adopted*, 2012 WL 135428 (E.D. Va. Jan. 17, 2012).

Finally, the Court finds reason to redact the requested portions. The lines contain confidential, proprietary, and competitively sensitive business information, which is also protected under the parties’ stipulated protective order. As a result, public disclosure of the information could bring competitive harm to the parties in this lawsuit and to third parties.

Accordingly, it is hereby

**ORDERED** that Defendants’ motion (Dkt. 454) is **GRANTED**; and it is further

**ORDERED** that lines 11:4, 11:6, 11:7, and 11:8 of the November 18, 2020 hearing (Dkt. 443) shall be **REDACTED**.

ENTERED this 22nd day of February, 2021.



/s/

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THERESA CARROLL BUCHANAN  
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia