

**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 Defendant Philip Morris Products S.A.’s (“Defendant”) Motion to Seal (Dkt. 466) and supporting memorandum (Dkt. 468). Defendant requests to file under seal unredacted versions of its proposed Second Amended Counterclaims and a redline version of the same. (Dkt. 473.)

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 Defendant’s filings, the Court makes the following findings.

First, Defendant has provided public notice of its request to seal the requested portions and interested parties have been given a reasonable opportunity to object. Defendant filed its

motion to seal and public notice on March 1, 2021. (*See* Dkts. 466, 467.) Because over seven days have elapsed since Defendant 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, Defendant has satisfied this requirement under *Ashcraft* and the Local Civil Rules.

Second, this Court has considered less drastic alternatives. Defendant submitted redacted versions of its filings which omits only targeted confidential information. (Dkts. 464-1, 464-2.) 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 redacted portions contain Defendant’s 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 Defendant’s motion (Dkt. 466) is **GRANTED**; and it is further

ORDERED that docket number 473 shall remain permanently under seal.

ENTERED this 9th day of March, 2021.

 /s/

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia