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

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

ORDER

This matter comes before the Court on Plaintiffs RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company's ("Plaintiffs") Motion to Seal (Dkt. 673) and supporting memorandum (Dkt. 676). Plaintiffs request to file under seal an un-redacted version of their Reply in Support of their Partial Motion to Stay Further Proceedings on the Claim of Philip Morris Products S.A. Seeking Injunctive Relief ("Reply") and accompanying exhibits C and D. (Dkt. 675.) Pursuant to Local Civil Rule 5(C), Defendants Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. ("Defendants") replied (Dkt. 698) in support of Plaintiffs' Motion. *See* L. Civ. R. 5(C).

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 the parties' filings, the Court makes the following findings.

First, Plaintiffs have provided public notice of their request to seal and interested parties have been given a reasonable opportunity to object. Plaintiffs filed their motion to seal and public notice on May 27, 2021. (*See* Dkts. 673, 674.) Because over seven days have elapsed since Plaintiffs filed the motion to seal and public notice, 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, Plaintiffs have satisfied this requirement under *Ashcraft* and the Local Civil Rules.

Second, this Court has considered less drastic alternatives. Plaintiffs submitted a redacted version of their Reply. (Dkt. 677.) 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 seal the redacted portions of Plaintiffs' Reply and accompanying exhibits C and D. The redacted portions contain the parties' confidential and proprietary information. Additionally, Exhibit C consists of confidential correspondence between counsel and Exhibit D is a deposition transcript of one of Defendants' corporate witnesses. This information is protected under the parties' stipulated protective order and includes information related to the parties' confidential financial and technical information, communications, and discovery responses. As a result, public disclosure of the information could bring competitive harm to Plaintiffs, Defendants, and third parties.

Accordingly, it is hereby

ORDERED that Plaintiffs' motions to seal (Dkt. 673) is **GRANTED**. Docket number 675 shall remain permanently under seal.

ENTERED this 4th day of June, 2021.

/s/
Theresa Carroll Buchanan
United States Magistrate Judge

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia