

**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 Plaintiffs RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company’s (“Plaintiffs”) Motion to Seal (Dkt. 707) and supporting memorandum (Dkt. 710). Plaintiffs request to file under seal unredacted versions of Exhibits 1, 2, 4, and 5 to their Memorandum in Support of Motion for Relief from Stipulation on Deposition Dates in Light of New Injunction-Related Contentions from Philip Morris Products S.A. (Dkt. 709.) 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. 741) 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 June 11, 2021. (*See* Dkts. 707, 708.) 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 do not request to seal or redact their memorandum or even all of the exhibits attached to it. Further, redaction of the exhibits would not adequately protect the confidential information at issue here.

Finally, the Court finds reason to seal Exhibits 1, 2, 4, and 5. The exhibits consist of the parties’ discovery responses and correspondence between counsel. The documents contain the parties’ confidential and proprietary information that is also protected under the parties’ stipulated protective order. Public disclosure of this information could bring competitive harm to Plaintiffs, Defendants, and third parties.

Accordingly, it is hereby

**ORDERED** that Plaintiffs’ motion to seal (Dkt. 707) is **GRANTED**. Docket number 709 shall remain permanently under seal.

ENTERED this 21st day of June, 2021.

  
/s/  
Theresa Carroll Buchanan  
United States Magistrate Judge  
\_\_\_\_\_  
THERESA CARROLL BUCHANAN  
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia