

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

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| 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. 773) and supporting memorandum (Dkt. 776). Plaintiffs request to file under seal an unredacted version of their Reply in Support of Motion to Dismiss Counterclaim and Affirmative Defenses by Plaintiffs RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company and Opposition to Counterclaim Plaintiffs’ Cross-Motion for Attorneys’ Fees and Costs (“Reply”) and accompanying Exhibits P, Q, R, S, T, and U. (Dkt. 775.)

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 Plaintiffs' 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 July 6, 2021. (*See* Dkts. 773, 774.) 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 filed a redacted version of their Reply on the public docket. (Dkt. 777.) 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 Reply and Exhibits P, Q, R, S, T, and U thereto. Plaintiffs' Reply contains the parties' confidential and proprietary business information that is also protected under the stipulated protective order in this matter. Further, the exhibits consist of confidential communications between counsel, deposition testimony, and excerpts from expert reports. 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. 773) is **GRANTED**. Docket number 775 shall remain permanently under seal.

