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 and supporting memorandum. (Dkts. 806, 809.) Plaintiffs request leave to file under seal the unredacted version of Plaintiffs' Second Amended Answer to Defendants Altria Client Services, LLC and Phillip Morris U.S.A., Inc.'s Amended Counterclaims ("Amended Answer"). (Dkt. 808.)

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 its request to seal and interested parties have been given a reasonable opportunity to object. Plaintiffs filed their motion to seal and

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public notice on August 11, 2021. (*See* Dkts. 806, 807.) 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 Amended Answer. (Dkt. 810.) 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 Amended Answer. Plaintiff's Amended Answer contains Plaintiffs' confidential, proprietary, and sensitive commercial business information. Public disclosure of this information could bring competitive harm to Plaintiffs.

Accordingly, it is hereby

ORDERED that Plaintiffs' motion to seal (Dkt. 806) is **GRANTED**. Docket number 808 shall remain permanently under seal.

ENTERED this 19th day of August, 2021.

/s/
Theresa Carroll Buchanan
United States Magistrate Judge

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia

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