

Alexandria Division

Pursuant to Local Civil Rule 5(C), this Court may seal a document if (1) the parties are provided public notice of the request to seal to allow time for objection, (2) there is no less drastic

alternative to sealing the document, and (3) the document contains confidential information not available to the public and the interest in preserving confidentiality outweighs the public's interest in access. *Ashcraft v. Conoco*, 218 F.3d 282, 288 (4th Cir. 2000); *see also U.S. ex rel. Carter v. Halliburton Co.*, No 1:10-CV-864, 2011 WL 2077799, at *2 (E.D. Va. May 24, 2011). These requirements are satisfied in the instant motion.

The requirement of public notice is met by Plaintiff's filing of this memorandum of law and its accompanying motion on the public record. *See, e.g., RegScan, Inc. v. Bureau of Nat'l Affairs, Inc.*, No. 1:11-CV-1129, 2011 WL 5239221, at *3 (E.D. Va. Nov. 1, 2011) ("Plaintiff publicly filed its motions to seal and delivered a copy to Defendant's registered agent... thus, Plaintiff has met the first *Ashcraft* requirement.").

Additionally, Ex. 30 contains information which the producing party has designated "CONFIDENTIAL" pursuant to the Protective Order. By filing Ex. 30 under seal, Plaintiff is abiding by the Protective Order. Plaintiff presumes the accuracy of this designation, and defers any defense as to the appropriateness of any particular document's designation to the producing party.

Finally, Plaintiff believes that the above considerations outweigh any public interest in obtaining the information Plaintiff proposes be placed under seal. The publication of that information would be to the detriment of the producing party, which has asserted that it maintains an interest in maintaining the confidentiality of Ex. 30.

Accordingly, Plaintiff respectfully requests leave to file Ex. 30 under seal.

Dated : May 6, 2021

Respectfully submitted,

/s/ Peter H. White

Peter H. White (VA Bar No. 32310)

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Counsel for Plaintiff Blue Flame Medical LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2021, I caused the foregoing document to be filed and served electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: May 6, 2021

/s/ Peter H. White

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