

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

WOW TECH USA, LTD. v. EIS, INC.

WOW Tech USA · No. Civil Action No. 24-115-GBW · Decided April 9, 2026

SUMMARY

The United States District Court for the District of Delaware denied WOW Tech USA, Ltd.’s motion for leave to file its Third Amended Complaint under seal. The court held that Plaintiff failed to show that the third-party witness names were protectable information or that disclosure would cause a clearly defined and serious injury, and ordered the complaint unsealed immediately.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Gregory B. Williams
JURISDICTION	United States District Court for the District of Delaware
DECIDED	April 9, 2026
DOCKET	Civil Action No. 24-115-GBW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file its third amended complaint under seal. The court denied the motion and ordered the complaint unsealed immediately.
STANDARD OF REVIEW	The party seeking to seal judicial records bears the burden of showing that the material is the kind of information courts will protect and that disclosure would cause a clearly defined and serious injury.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- pleadings
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff met its burden to seal the names of third-party witnesses in its third amended complaint and exhibits.
2. Whether the court's prior unopposed order allowing the second amended complaint to be filed under seal established that the third amended complaint should also remain sealed.

HOLDINGS

1. Plaintiff failed to meet its burden to show both that the witness names were information courts will protect and that disclosure would cause a clearly defined and serious injury; therefore, the motion to file the third amended complaint under seal was denied.
2. The prior order did not establish that the third amended complaint should be sealed because the court made no factual findings when it summarily granted the earlier, apparently unopposed motion.

KEY QUOTATIONS

“The names of such third-party witnesses are not the kind of information that courts will protect, absent extraordinary circumstances, and plaintiff has not shown that those extraordinary circumstances exist in this case.” (Memorandum Order)

“Absent extraordinary circumstances, witnesses do not testify anonymously under our system of laws.”
(Memorandum Order)

“Thus, Plaintiff has failed to meet its burden to show disclosure will work a clearly defined and serious injury to the party seeking closure.” (Memorandum Order)

FACTUAL BACKGROUND

Plaintiff sought to seal the names of third-party witnesses in its third amended complaint and accompanying exhibits, designating the names as attorneys-eyes-only. Plaintiff asserted, without substantiation, that disclosure could create a substantial risk of intimidation, harassment, or business retaliation. The court observed that the witnesses were likely to be subpoenaed and deposed and had not shown extraordinary circumstances warranting anonymity.

PROCEDURAL HISTORY

Plaintiff previously filed its second amended complaint under seal after the court summarily granted an apparently unopposed sealing motion. Plaintiff then sought leave to file its third amended complaint under seal, and Defendant opposed the request. The district court denied the motion because Plaintiff failed to establish both that the information was entitled to protection and that disclosure would cause a clearly defined and serious injury.

DISPOSITION

other

CASES CITED

- Miller v. Indiana Hospital, 16 F.3d 549, 551 (3d Cir. 1994)
- Diamond Pleasonton Enter., Inc. v. City of Pleasonton, No. 12-CV-00254-WHO, 2015 WL 74946, at *1 (N.D. Cal. Jan. 5, 2015)
- Martin v. Sears, Roebuck & Co., No. 08-CV-01998-MSK-KMT, 2009 WL 4730466, at *13 (D. Colo. Dec. 7, 2009)

OPINION

WOW TECH USA, LTD. v. EIS, INC.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

WOW TECH USA, LTD., : Plaintiff, . Civil Action No. 24-115-GBW v .

EIS, INC., □

Defendant.

MEMORANDUM ORDER

AND NOW, this 9th day of April 2026, having considered Plaintiff's Motion for Leave to File Its Third Amended Complaint Under Seal ("Plaintiff's Motion □□□ (D.I. 34), Defendant EIS Inc.'s Answering Brief in Opposition to Plaintiff's Motion for Leave to File Its Third Amended Complaint Under Seal (D.I. 37), and Plaintiff's Reply in Support of Its Motion to File Third Amended Complaint Under Seal (D.I. 38), IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Its Third Amended Complaint Under Seal (D.I. 34) is DENIED, and the Clerk of Court shall unseal immediately Plaintiff's Third Amended Complaint (D.I. 35). Plaintiff has not met its burden to show that (1) the material seeking to be sealed is the kind of information that courts will protect; and (2) disclosure will work a clearly defined and serious injury to the party seeking closure. See Miller v. Ind. Hosp., 16 F.3d 549, 551 (d Cir. 1994), Specifically, Plaintiff seeks to seal and designate as "Attorneys Eyes Only" the names of third-party witnesses on the alleged and unsubstantiated grounds that disclosing the names in their Third Amended Complaint and exhibits to same would create "a substantial risk of intimidation, harassment, and/or business retaliation" D.I. 34 at 2. However, it is likely that those third-party witnesses will be subpoenaed and deposed in this action, and they will likely be key witnesses for purposes of trial. See D.I. 37 at 5. The names of such third-party witnesses are not the kind of information that courts will protect, absent extraordinary circumstances, and plaintiff has not shown that those extraordinary circumstances exist in this case. See Miller, 16 F.3d at 551; Diamond Pleasonton Enter., Inc. y. City of Pleasonton, No. 12- CV-00254-WHO, 2015 WL 74946, at *1 (N.D. Cal. Jan. 5, 2015) (denying non-party witness motion to seal own name based on conclusory fears of damage to professional career and explaining that "I can imagine no compelling reason to seal her name that would be sufficient to override the significant public interest in access to judicial proceedings. Absent extraordinary circumstances, witnesses do not testify anonymously under our system of

laws.”); *Martin v. Sears, Roebuck and Co.*, No. 08 CV-01998-MSK-KMT, 2009 WL 4730466, at *13 (D. Colo. Dec. 7, 2009) (denying motion to seal non-party witness names and explaining that “in all but the most sensitive circumstances, the non-party’s privacy interest is subordinate to the public interest in transparent judicial proceedings.”). Moreover, Plaintiff’s arguments that the Court already addressed its arguments and agreed with them by allowing Plaintiff to file the Second Amended Complaint under seal are flawed and misplaced. The Court made no factual findings in entering its Order summarily granting the Motion to file the Second Amended Complaint under Seal because the Court understood that Motion to be unopposed. With respect to the current motion, the Court is clear that Defendants oppose it. Thus, Plaintiff has failed to meet its burden to show that the material it seeks to seal is the kind of information that courts will protect. In addition, Plaintiff is the party seeking closure of the material it asks to be sealed but has not shown how disclosure will work a clearly defined and serious injury to it as the party seeking closure, as required. See *Miller*, 16 F.3d at 551. In fact, Plaintiff does not allege that it will suffer any harm from the disclosure. See D.I. 34 and D.I. 37. Thus, Plaintiff has failed to meet its burden to show disclosure will work a clearly defined and serious injury to the party seeking closure. WHEREFORE, Plaintiff’s Motion for Leave to File Its Third Amended Complaint Under Seal (D.I. 34) is DENIED, and the Clerk of Court shall unseal immediately Plaintiff’s Third Amended Complaint (D.I. 35). / At, ben ;

GREGORY B. WILLIAMS

UNITED STATES DISTRICT JUDGE