

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

**Shoals Technologies Group, LLC v. Voltage, LLC, and Ningbo
Voltage Smart Production Co.**

No. 1:25CV26, United States District Court for the Middle District of North Carolina (May 21, 2026)

OPINION

Shoals Technologies Group, LLC v. Voltage, LLC, and Ningbo Voltage Smart Production Co.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHOALS TECHNOLOGIES)

GROUP, LLC,)

) Plaintiff,)) 1:25CV26) VOLTAGE, LLC, and NINGBO)

VOLTAGE SMART PRODUCTION)

CO.,)) Defendants.)

ORDER AND MEMORANDUM OPINION

OF UNITED STATES MAGISTRATE JUDGE

This matter comes before the Court Amendment. United States ex rel. on pending motions to seal filed at Oberg v. Nelnet, Inc., 105 F.4th 161, Docket Entries 422, 425, 430, and 170–71 (4th Cir. 2024). However, the 432.1 For the reasons set forth below, right of access is not absolute and can the motions will be granted and be rebutted. Rushford v. New Yorker, denied as detailed at the conclusion of Mag., Inc., 846 F.2d 249, 253 (4th this Order. Cir. 1988). The burden of establishing a right to seal is on the party claiming

I. DISCUSSION

the need for confidentiality. Id. A. Legal Standard The common law right of access The public has a long-established applies to all judicial records but can right of access to judicial records. be rebutted if “countervailing Nixon v. Warner, Commc’ns, Inc., interests heavily outweigh the public 435 U.S. 589, 597 (1978); Va. Dept. of interests in access.” Id. The First State Police v. Wash. Post, 386 F.3d Amendment right of access is 567, 575 (4th Cir. 2004). The right narrower and applies only to derives from two sources, the particular judicial records and common law and the First documents. Doe v. Public Citizen, 749 1 Appended to this Order and identifying the documents at issue in Memorandum Opinion is a chart each motion. F.3d 246, 266 (4th Cir. 2014). To duty to provide notice is satisfied overcome the right to access based on when a motion to seal is docketed the First Amendment a party must “reasonably in advance of deciding show “a compelling governmental the issue.” Stone, 855 F.2d at 181 (4th interest” and that the restriction

is Cir. 1988) (citing *In re Knight Publ'g* “narrowly tailored.” *Id. Co.*, 743 F.2d 231, 235 (4th Cir. 1984)). The most recently filed Federal Rule of Civil Procedure 26(c) motion at issue was filed on March 20, empowers the court to “protect a 2026, see Docket Entry 432, and the party from undue burden or expense, other motions have been pending including by restricting access to longer. This has provided the public materials that constitute confidential with adequate notice and a reasonable research, development, or opportunity to intervene, and no commercial information.” See *Kinetic objections* have been raised. See, e.g., *Concepts, Inc. v. Convatec Inc.*, No. Hunter v. Town of Mocksville, 961 F. 1:08CV00918, 2010 WL 1418312, at Supp. 2d 803, 806 (M.D.N.C. 2013)

*10 (M.D.N.C. Apr. 2, 2010). In asking

(one month and a day satisfied “the the Court to exercise this authority, ‘public notice’ prerequisite to entry of though, it is insufficient for a party to a sealing order”). broadly assert materials contain confidential or sensitive information C. Docket Entry 422 without providing “specific In Docket Entry 422, Voltage moves underlying reasons for the district to seal the unredacted version of its court to understand how [a party] Memorandum in Support of Its reasonably could be affected by the Motion to Unseal Trial Exhibits, release of such information.” Trs. of Docket Entry 421, and Exhibits 2, 3, 6, *Purdue Univ. v. Wolfspeed, Inc.*, No. and 7 attached in support, Docket 1:21CV840, 2023 WL 2776193, at *2 Entries 421-1, 421-2, 421-3, and 421- (M.D.N.C. Feb. 28, 2023) (quoting *Va. 4. Dep’t of State Police*, 386 F.3d at 579). As referenced earlier, the right of In weighing a motion to seal, a court access, whether derived from the must consider less drastic alternatives common law or the First Amendment, to sealing and if a motion is allowed, only applies to documents that are the court must “state the reasons” and judicial records. See *In re United explain reasons for “rejecting States for an Order Pursuant to 18 alternatives to sealing.” Va. Dep’t of U.S.C. § 2703(D)*, 707 F.3d 283, 290 *State Police*, 386 F.3d at 576. (4th Cir. 2013). Therefore, the Court B. Public Notice must determine whether the materials the parties seek to seal are Before addressing a motion to seal, a judicial records. Documents are court must give the public notice and judicial records “if they play a role in a reasonable opportunity to contest the adjudicative process, or the motion. *Doe*, 749 F.3d at 272. The adjudicate substantive rights” such as with an “objective of obtaining With respect to Docket Entry 421, judicial action or relief.” *Id.* at 290-91. Voltage moves to redact quotes taken from the transcripts of the bench trial. While the Fourth Circuit has not See Docket Entry 421 at 2-5, 9-12. clarified which right of access attaches Voltage is not claiming confidentiality to non-dispositive pretrial motions, of this information on its behalf, see see *Smithfklne Beecham Corp. v. Docket Entry 422 at 3*, but moves to *Abbott Labs.*, No. 1:15CV360, 2017 seal the materials “out of an WL 11552659, at *3 (M.D.N.C. Mar. 7, abundance of caution” and pursuant 2017), courts in this Circuit have to its duty under the governing concluded that documents filed in Protective Order. See Docket Entries support of a purely procedural motion 46; 422 at 2-3. are not judicial records and the right of public access does not apply. See, Where the filing party is not the party e.g., *Azima v. Del Rosso*, No. claiming

confidentiality, the party 1:20CV954, 2025 WL 2903820, at *1 claiming confidentiality must file a (M.D.N.C. July 14, 2025); Kinetic response within 14 days to show why Concepts, Inc. v. Convatec Inc., No. sealing is necessary, provide redacted 1:08CV918, 2010 WL 1418312, at *9-versions of documents that do not 10 (M.D.N.C. Apr. 2, 2010). need to be fully sealed, and provide Therefore, the good cause standard unredacted versions of documents if under Federal Rule of Civil Procedure no sealing is required. See LR 5.4; 26 will suffice to seal the materials Parties' Rule 5.5 Report, Docket Entry addressed in the motion to seal in 25. Shoals has not filed a response Docket Entry 420. See Kinetic asserting the need to seal any of the Concepts, 2010 WL 1418312, at *10; materials. Fed. R. Civ. P. 26(c). Rule 26(c) allows The quotes do derive from the the court for good cause to "protect a transcripts, which are under seal at party from undue burden or expense, this time. However, the proposed including by restricting access to redactions cover statements from the materials that constitute confidential bench trial that do not involve any research, development, or confidential or sensitive information. commercial information." Kinetic In the absence of a claim by either Concepts, 2010 WL 1418312, at *10. party of a specific need to protect the Docket Entries 421-1, 421-2, 421-3, statements, there is not good cause to and 421-4 (Exhibits 2, 3, 6, and 7) are seal. Consequently, the Court denies excerpts from the bench trial the motion to seal Docket Entry 421 transcripts. The Court has placed and directs Voltage to file an these transcripts under seal, at least unredacted version of the temporarily. Therefore, the Court will memorandum. grant the motion to seal Docket Entries 421-1, 421-2, 421-3, and 421- 4. D. Docket Entry 425 because it could be used to "develop competitive prices and sales In Docket Entry 425, Shoals moves to strategies." Docket Entry 441-1, ¶ 8. redact information in Docket Entry 427, its Reply to Defendants' Voltage has demonstrated a Supplemental Opposition to Motion compelling interest in protecting its for Preliminary Injunction, and confidential financial information, moves to seal Docket Entries 427-1, the disclosure of which could harm its 427-2, 427-3, and 427-4, Exhibits A, competitive standing. See Nixon v. B, C, and D, respectively, in support of Warner Commc'n, 435 U.S. 589, 598 its Reply. (1978) (recognizing a court may limit access when records contain "sources The public right of access for of business information that might documents filed in connection with a harm a litigant's competitive motion for preliminary injunction standing). However, the 18-page stems from the First Amendment. Reply also contains a wealth of non- See, e.g., Natera, Inc. v. confidential material such as legal NeoGenomics Lab's, Inc., No. standards, case law, and arguments. 1:23CV629, 2024 WL 1464744, at *2 See Docket Entry 427. Voltage has not (M.D.N.C. Apr. 4, 2024); RLI Ins. Co. demonstrated that the document v. Nexus Servs., Inc., No. 18-CV-66, should be sealed in its entirety. 2018 WL 10602398, at *1 (W.D. Va. Accordingly, to the extent Shoals has Oct 30, 2018). Therefore, the parties proposed limited redactions of must show a compelling interest that specific financial information in the outweighs the right of public access Reply, a compelling interest supports and that there is no less restrictive sealing the materials and thus, the way to protect the interest. Doe, 749 request to seal is narrowly tailored. F.3d at 266. The Court will grant the motion to seal With respect to Docket

Entry 427, reflecting Shoals' proposed redactions Shoals has submitted proposed and keep the unredacted copy of the redactions. See Docket Entry 427 at 5, document in Docket Entry 427 under 11-13. Voltage has responded that the seal.² Reply should be sealed in its entirety. Docket Entry 427-1, Exhibit A, is a See Docket Entry 441 at 1, 5. Voltage copy of Shoals' Response to the argues the Reply contains its Petition for Commission Review in "accounting and financial data" and the ITC case. Shoals moves to seal the asserts it is not aware of any less document not on its behalf, but restrictive means of protecting the because it is an excerpt from a information. Id. at 8. Voltage argues document designated as confidential that public disclosure of the financial business information pursuant to the information would harm Voltage 2 Shoals has already filed a publicly redactions in the record at Docket Entry available copy of the document with 426. protective order in the ITC case. "sensitive business information, Docket Entry 425 at 3. Voltage asserts disclosure of which may cause Docket Entry 427-1 contains substantial harm to their competitive confidential information, the positions." Docket Entry 425 at 4. disclosure of which would harm Docket Entries 427-2 and 427-3 Voltage, and has submitted a redacted contain in-depth information about version of the document. See Docket Voltage's private financial Entries 441 at 7; 441-2. Voltage has information as well as other redacted one line of text in the confidential corporate information. document which addresses Voltage has shown a compelling confidential design details of its solar interest in protecting this information assembly technology. See Docket and there is no less restrictive way to Entry 441-2 at 17. protect the material than by sealing There is a compelling interest in the exhibits. The Court grants the protecting Voltage's confidential motion to seal Docket Entries 427-2 design information and the request to and 427-3. seal is narrowly tailored. The Court Docket Entry 427-4, Exhibit D, is an will grant the motion to seal the excerpt from the transcript of the unredacted version of the document deposition of Ruiyan Ge, a designated in Docket Entry 427-1 and the representative of Voltage. Voltage has redacted version of the exhibit as proposed redactions to the transcript, available in the record, Docket Entry see Docket Entry 441-3, protecting its 441-2, is permitted. confidential business information Docket Entries 427-2 and 427-3, regarding Voltage's corporate Exhibits B and C, are copies of structure and financial information. documents an accounting firm Voltage asserts the redacted materials prepared about Voltage's corporate could be used by competitors to finances.³ Voltage asserts that these develop competing prices and sales documents contain confidential strategies. Docket Entry 441 at 7. information about Voltage's entities, Voltage has shown a compelling corporate structure, and accounting interest in protecting this information and financial information. Docket and has narrowly tailored its request Entry 441 at 7. Voltage asserts that to seal. The Court will grant the public disclosure of this information motion to seal the unredacted version would harm its competitive standing of this document at Docket Entry 427- by allowing competitors to develop 4 and the redacted version of the competing pricing and sales strategies. Id. Shoals also states that the exhibits contain the parties' 3 Docket Entry 427-2 is a copy of an Entry 427-3 is a copy of Voltage's 2024 internal management letter about corporate financial statement. Voltage's 2022

financial audit. Docket exhibit as available in the record, that a document is subject to a Docket Entry 441-3, is permitted. protective order does not relieve a party from otherwise establishing the E. Docket Entry 430 need to seal under the constricts of the In Docket Entry 430, Voltage moves law. United States ex rel Thomas v. to seal its Memorandum in Support of Duke Univ., No. 1:17CV276, 2018 WL Its Motion to Reopen Fact Discovery, 4211375, at *13 (M.D.N.C. Sept. 4, Docket Entry 430-1, and Exhibits 4, 5, 2018); see also Colony Ins. Co. v. 7, and 10 in support thereto, Docket Peterson, No. 1:10CV581, 2012 WL Entries 430-2 through 430-5.4 The 1047089, at *2 (M.D.N.C. Mar. 28, Motion to Reopen Fact Discovery 2012) (collecting cases). seeks permission to re-depose Consequently, based upon the Maschoff Brennan attorneys, a purely information before the Court, and procedural discovery matter. See even applying a standard of good Docket Entry 430-1 at 4. Therefore, cause, the materials lack sufficient the documents filed in support are not support to seal. The motion to seal, judicial records and a showing of good Docket Entry 430, will be denied and cause will suffice to seal the the Court will unseal Docket Entries documents. See Kinetic Concepts, 430-1, 430-2, 430-3, 430-4, and 430- 2010 WL 1418312, at *9-10. 5. In the motion to seal, Voltage is not F. Docket Entry 432 asserting confidentiality on its behalf but moves to seal pursuant to its duty In Docket Entry 432, Voltage moves under the governing Protective Order to seal Docket Entries 433 and 433-1, because the documents contain Exhibits 1 and 7 to Voltage's "O2 information designated confidential Micro Motion." Docket Entry 432 at 1. business information by Shoals or a Voltage asserts the documents third party. See Docket Entries 46, contain "information regarding 430 at 1. Shoals has not responded to Voltage's internal layouts assert or explained the need to seal configurations and manufacturing any of the documents and the time for process of its products" and the doing so has expired. disclosure of this information could harm its competitive standing. Docket Courts in the Fourth Circuit have Entry 432-2 at 2-3. repeatedly found that the mere fact 4 Docket Entry 430-2, Exhibit 4, is an of Plaintiff's First Supplemental excerpt from the transcript of the Responses to Defendants' Sixth Set of November 25, 2025, deposition of Eric Interrogatories (Nos. 26-30). Docket Maschoff in this case. Docket Entry 430- Entry 430-5, Exhibit 10, is an excerpt 3, Exhibit 5, is an excerpt from the from the transcript of a May 14, 2025, transcript of the May 21, 2025, hearing before the ALJ in the ITC case. deposition of Paul Johnson in this case. Docket Entry 430-4, Exhibit 7, is a copy Voltage's "O2 Micro Motion" is 433-1, Exhibit 7, is an excerpt from Voltage's Motion for Resolution of Dr. Cameron's rebuttal expert report Claim Construction of "Parallel" in this case. It also contains detailed under O2 Micro. See Docket Entry information about Voltage's 431. The motion seeks to resolve the alternative assembly design. There is meaning of the term "parallel" as a compelling interest in protecting applied to the alternative design these proprietary design details which configuration, a substantive issue in outweighs the public right to access. the case. Id. Therefore, at a minimum Furthermore, as the sensitive the common law right of access information is peppered substantially applies to the documents. See In re throughout the documents, redacting Order, 707 F.3d at 290 (Judicial them would not be

practical or records “play a role in the adjudicative useful.5 Accordingly, the Court will process, or adjudicate substantive grant the motion to seal Docket rights.”). Entries 433 and 433-1. Because the interpretation of the term “parallel” could substantially impact the resolution of certain claims between the parties, it is unclear whether the more stringent First Amendment standard might apply. However, because the outcome on the motion to seal is the same under either standard, the Court need not resolve the issue. See, e.g., Syngenta Crop Prot., LLC v. Wildwood, LLC, No. 1:15 Cv274, 2017 WL 1168507, at *2 (M.D.N.C. Sept. 11, 2017).

Docket Entry 433, Exhibit 1, is an excerpt from Dr. Codd’s expert report in this case. It contains descriptions of Voltage’s alternative design for the solar assembly including precise measurements, pictures, and technical illustrations. Docket Entry 5 It appears Voltage attempted to materials in Docket Entry 433 Voltage minimize sealing by filing only the removed seven pages of clearly non- essential portions of the reports. Notably, confidential background and Docket Entry 433 is essentially the same introductory information Voltage exhibit filed in Docket Entry 398-7, improperly moved to seal in Docket addressed in the motion to seal in Docket Entry 398-7. Entry 400. However, in filing the

II. CONCLUSION

IT IS HEREBY ORDERED that: The Motion to Seal, Docket Entry 422, is GRANTED IN PART AND

DENIED IN PART. On or before 14 days from the entry of this Order, Voltage is directed to file an unredacted copy of Docket Entry 421 unsealed in the record. The Motion to Seal, Docket Entry 425, is GRANTED. The Motion to Seal, Docket Entry 430, is DENIED. The Clerk is directed to unseal Docket Entries 430-1, 430-2, 430-3, 430-4, and 430-5. The Motion to Seal, Docket Entry 432, is GRANTED. J ae 4 McFadden United States Magistrate Judge May 21, 2026 Durham, NC
APPENDIX A

Docket Entry 422 Memorandum in Support of Motion to DE 421 Unseal Trial Exhibits Exh. 2, Excerpt of Bench Trial Tr. DE 421-1 2/25/26 Exh. 3, Excerpt of Bench Trial Tr. DE 421-2 2/26/26 Exh. 6, Excerpt of Bench Trial Tr. DE 421-3 3/4/26 Exh. 7, Excerpt of Bench Trial Tr. DE 421-4 3/5/26 Docket Entry 425 Shoals’ Response to Defendants’ Supp. DE 427 Opposition to Prelim. Inj. Exh. A, Shoals’ Response to Petition DE 427-1 for Commission Review in ITC case Exh. B, Internal Mgmt. Letter on DE 427-2 Voltage’s 2022 financial audit Exh. C, Voltage’s 2024 financial DE 427-3 statement Exh. D, Excerpt of Ruiyan Ge DE 427-4 Deposition in ITC case Docket Entry 430 Memorandum, Motion to Reopen Fact DE 430-1 Discovery Exh. 4, Excerpt from Eric Maschoff DE 430-2 Deposition Exh. 5, Excerpt from Paul Johnson DE 430-3 Deposition Exh. 7, Plaintiff’s First Suppl. Resp. to DE 430-4 Sixth Set of Interrogatories Exh. 10, Excerpt from May 14, 2025 DE 430-5 Hr’g in ITC case Docket Entry 432 Exh. 1, Excerpt from Dr. Codd’s Expert DE 433 Report Exh. 7, Excerpt from Dr. Cameron’s DE 433-1 Rebuttal Report

