

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Smoot Construction of Washington, D.C. v. The Smoot Corporation,
et al.

Smoot Construction · No. 2:22-cv-1707 · Decided March 2, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denies without prejudice Plaintiff’s motion for leave to file two Smoot Corporation consolidated financial reports under seal. The order directs Defendants, as the designating parties, to file a properly supported sealing motion within seven days after notification and reiterates the applicable confidentiality-designation procedure.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	March 2, 2026
DOCKET	2:22-cv-1707
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file two Smoot Corporation consolidated financial reports under seal as exhibits to its opposition brief.
STANDARD OF REVIEW	Motions to seal must satisfy Sixth Circuit standards and must be narrowly tailored so that sealing is no broader than necessary.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- commercial litigation
- construction law

PRACTICE AREAS

- civil procedure
- construction law
- commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff could file the financial reports under seal without Defendants first filing a properly supported motion to seal under the procedure established by the court's prior order.
2. Which party was responsible for seeking sealing of documents it had designated confidential.

HOLDINGS

1. When a party seeks to file documents designated by another party as Confidential or Attorney's Eyes Only, the designating party must file a properly supported motion for leave to file the documents under seal within seven days after notification; otherwise, the filing party may file the documents publicly without further leave.
2. A motion to seal must satisfy Sixth Circuit standards and must be narrowly tailored so that sealing is no broader than necessary.

KEY QUOTATIONS

“Designating parties are cautioned that any motion to file documents under seal must meet the standards set forth by the Sixth Circuit and should be narrowly tailored, as the sealing of documents must be no broader than necessary.”

FACTUAL BACKGROUND

Plaintiff sought leave to file two Smoot Corporation Consolidated Financial Reports as exhibits. Plaintiff did not believe the reports were confidential, but Defendants objected to their public filing because they had designated the documents as confidential or Attorney's Eyes Only under the parties' Confidentiality Order.

PROCEDURAL HISTORY

The court considered Plaintiff's motion concerning financial reports that Defendants had objected to filing publicly. Applying a notification and sealing-motion procedure established in a prior order, the court denied Plaintiff's motion without prejudice and directed Defendants to move for sealing if they wished to maintain confidentiality.

DISPOSITION

other

CASES CITED

- *Shane Grp., Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016)

OPINION

Smoot Construction of Washington, D.C. v. The Smoot Corporation, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

EASTERN DIVISION

SMOOT CONSTRUCTION OF

WASHINGTON, D.C.,

Plaintiff, Civil Action 2:22-cv-1707 v. Judge Michael H. Watson Magistrate Judge Chelsey M. Vascura THE SMOOT CORPORATION, et al., Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Certain Exhibits Under Seal (ECF No. 146). The exhibits in question are two Smoot Corporation Consolidated Financial Reports, which Plaintiff does not believe are confidential. Defendants, however, object to their public filing. (Id.) As set forth in the Court's Order of June 20, 2024, the parties are to use the following procedure as to documents that another party has designated "Confidential" or "Attorney's Eyes Only": Any party seeking to file documents that another party has designated "Confidential" or "Attorney's Eyes Only" under the Confidentiality Order shall notify the designating party, identifying the documents with specificity, WITHIN THREE DAYS of the date of this Order. The designating party shall then have SEVEN DAYS from the date of notification to file a properly supported motion for leave to file the documents under seal. If the designating party does not file such a motion within this timeframe, the party seeking to file the documents may file them on the public docket without further leave of Court. Designating parties are cautioned that any motion to file documents under seal must meet the standards set forth by the Sixth Circuit and should be narrowly tailored, as the sealing of documents must be no broader than necessary. See *Shane Grp., Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016). The parties must follow this prior notification procedure in the future when seeking to file on the docket any documents that another party has designated as "Confidential" or "Attorney's Eyes Only" under the Confidentiality Order. (June 20, 2024 Order, ECF No. 107.) Accordingly, it is Defendants' responsibility to move for sealing of the financial reports. Defendants' deadline to do so is seven days from the date that Plaintiff notified Defendants that Plaintiff intended to file the financial reports as exhibits to their opposition brief. Plaintiff's Motion (ECF No. 146) is therefore DENIED WITHOUT PREJUDICE. IT IS SO ORDERED. /s/ Chelsey M. Vascura

CHELSEY M. VASCURA

UNITED STATES MAGISTRATE JUDGE