

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.

OPINION

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