

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

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

Shoals Technologies Group · No. 1:25CV26 · Decided April 13, 2026

SUMMARY

An order and memorandum opinion addressing numerous motions to seal materials filed in Shoals Technologies Group, LLC v. Voltage, LLC, and Ningbo Voltage Smart Production Co. The court applies the common-law and First Amendment rights of public access, distinguishes judicial from non-judicial records, and grants or denies sealing requests as to specific docket entries and documents.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA SHOALS TECHNOLOGIES) GROUP, LLC,)) Plaintiff,)) V.) 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 435 U.S. 5890, 597 (1978); Va. Dept. of on pending motions to seal filed at State Police v. Wash. Post, 386 F.3d Docket Entries 313, 316, 317, 332, 567, 575 (4th Cir. 2004). The right 339, 349, 354, 356, 358, 387, 392, and derives from two sources, the 395. Because of the volume of these common and the _ First motions, some orientation is critical Amendment. United States ex rel. to resolving them. Appended to this Oberg v. Nelnet, Inc., 105 F.4th 161, order and memorandum opinion is a 170-71 (4th Cir. 2024).

However, the chart detailing each motion, the right of access is not absolute and can docket entries at issue in that motion, be rebutted. Rushford v. New Yorker, and a brief description of those docket Mag., Inc., 846 F.2d 249, 253 (4th entries. Cir. 1988).

The burden of establishing For the reasons set forth below, the a right to seal is ay the party claiming.. the need for confidentiality. Id. motions will be granted and denied as detailed at the conclusion of this The common law right of access Order. applies to all judicial records but can DISCUSSION be rebutted if “countervailing interests heavily outweigh the public A. Legal Standard interests in access.” Id. The First..

Amendment right of access □□ The pubic has a jong estapishee narrower and applies only to right of access to Judicia records. particular judicial records and Nixon v. Warner, Comme'ns, Inc., documents. Doe v. Public Citizen, 749 the motion. Doe, 749 F. 3d at 272.

The 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 v. Univ. of Maryland interest” and that the restriction is Med. Sys. Corp., 855 F.2d 178, 181 “narrowly tailored.” Id. (4th Cir.

1988) (citing In re Knight Publ’g Co., 743 F.2d 231, 235 (4th Cir. Federal Rule of Civil Procedure 26(c) 1984)). The most recently filed empowers the court to “protect a motion at issue was docketed on party from undue burden or expense, March 2, 2026, see Docket Entry 395, including by restricting access to and the other motions have been materials that constitute confidential pending longer.

This has provided the research, development, or public with adequate notice and a commercial information.” See Kinetic reasonable opportunity to intervene, Concepts, Inc. v. Convatec Inc., No. and no objections have been raised. 1:08CV00918, 2010 WL 1418312, at See, e.g., Hunter v. Town of *10 (M.D.N.C. Apr. 2, 2010).

In asking Mocksville, 961 F. Supp. 2d 803, 806 the Court to exercise this authority, (M.D.N.C. 2013) (one month and a though, it is insufficient for a party to day satisfied “the ‘public notice’ broadly assert materials contain prerequisite to entry of a sealing confidential or sensitive information order”). without providing “specific underlying reasons for the district C. Judicial Records court to understand how [a party] As referenced earlier, the right of reasonably could be affected by the access, whether derived from the release of such information.” Trs. of common law or the First Amendment, Purdue Univ. v. Wolfsped, Inc., No. only applies to documents that are 1:21CV840, 2023 WL 2776193, at *2 judicial records.

See In re United (M.D.N.C. Feb. 28, 203) (quoting Va. States for an Order Pursuant to 18 Dep’t of State Police, 386 F.3d at 579). U.S.C. § 2703(D), 707 F.3d 283, 290 In weighing a motion to seal, a court (4th Cir. 2013).

Therefore, the Court must consider less drastic alternatives must determine whether the to sealing and if a motion is allowed, materials the parties seek to seal are the court must “state the reasons” and judicial records. Documents are explain reasons for “rejecting judicial records “if they play a role in alternatives to sealing.” Va. Dep’t of the adjudicative process, or State Police, 386 F.3d at 576. adjudicate substantive rights” such as with an “objective of obtaining B. Public Notice judicial action or relief.” Id. at 290-91.

Before addressing a motion to seal, a In Docket Entry 332, Voltage moves court must give the public notice and to seal its pre-trial brief, Docket Entry a reasonable opportunity to contest 331, and Exhibits 1 and 2 in support thereof, Docket Entries 331-1 and 331- substantive matters and therefore are 2.

In Docket Entry 317, Shoals moves, part of the adjudicative process. In re in part, to seal materials related to its Order, 707 F. 3d at 290-91; United pre-trial bench brief and exhibits. The States ex rel. Oberg v. Nelnet, Inc., parties submitted these documents to 105 F.4th 161, 173 n.10 (4th Cir. the Court to summarize the expected 2024). Consequently, the motions all evidence and arguments for the bench involve judicial records and at a trial, not with an aim of “obtaining minimum the common law right of judicial action or relief.” In re Order, access applies.

See In re Order, 707 F. 3d at 290-91. F.3d at 290. Consequently, the materials are not D. Motions: Shoals Seeks Sealing judicial records. See, e.g., Syngenta 1. Docket Entry 313 Crop Prot. LLC. v. Willowood, LLC, No. 1:15CV274, 2017 WL 11685097, at In Docket Entry 313, Voltage moves to *1 (M.D.N.C. Sept. 11, 2017). No redact portions of its memorandum in public right of access applies, and support of its Motion to Admit the good cause will suffice to seal the Prior Testimony of Paul Johnson and bench brief documents.

See Kinetic seal Exhibits 5-13 of that motion, Concepts, Inc. v. Convatec Inc, Docket Entries 312 and 312-1 through No.1:08CV918, 2010 WL 1418312, at 9. It does so pursuant to its duty under *10 (M.D.N.C. Apr. 2, 2010); Fed. R. the governing Protective Order, see Civ. P. 26(c). Docket Entry 46, to so designate materials marked confidential by an The remaining materials addressed in opposing party and/or third party. the motions to seal, Docket Entries Thus, Voltage is not asserting 313, 316, 339, 349, 354, 356, 358, 387, confidentiality on its own behalf, and 392, and 395 are all judicial records. in fact disputes the confidentiality The documents were submitted with designation of some of this motions, or responses to motions, information.

See Docket Entry 313 at asking the Court to intervene and rule 2-3. on the admissibility of certain expert testimony at the bench trial, see Where the filing party is not the party Docket Entries 313, 316, 349, 354, claiming confidentiality, the party 356, 387, 392, whether certain claiming confidentiality must file a communications could be produced at response within 14 days to show why the bench trial, see Docket Entry 339, sealing is necessary, provide redacted and/or in relation to a motion for a versions of documents that do not preliminary injunction.

See Docket need to be fully sealed, and provide entries 358, 395. unredacted versions of documents if no sealing is required. See LR 5.4; In each case the materials were “filed Parties’ Rule 5.5 Report, Docket Entry with the objective of obtaining judicial 25. action or relief” which could impact the scope of evidence or other The Fourth Circuit has not clarified a. Non-Public Materials which right of access attaches to. documents filed with non-dispositive The Court will unseal the following pretrial motions such as this one.

See non-public judicial records Smithkline Beecham Corp. v. Abbott referenced m Docket Ent ty 313 Labs., No. 1:15CV360, 2017 WL because tt has no information of a 11552659, at *3 (M.D.N.C. Mar. 7, countervailing interest outweighing espe the public right of access. 2017).

Because the admissibility of testimony impacts a substantive right, Docket Entry 312: redactions (rather than procedural right) of the about interactions between parties, this constitutes a judicial Maschoff Brennan attorneys, record. Paul Johnson and Eric Therefore, the parties must Maschoff, much of which has demonstrate a countervailing interest been addressed in court; that outweighs the right to public access. Docket Entry 312-8: Plaintiffs access for the material to remain Second Supplemental sealed.

Rushford v. New Yorker Response to Voltage's First Mag., Inc., 846 F.2d 249, 253 (4th Interrogatories; and Cir. 1988) ("Under common law, Docket Entry 312-9: Plaintiff's there is a presumption of access Objections and Responses to accorded to judicial records. This Third Request for Admissions. presumption of access, however, can be rebutted if countervailing interests b. Public Materials heavily outweigh the public interests The Court will unseal the following in access.") (citation omitted). judicial records referenced in Docket Here, Shoals has not filed a response Entry 313 containing information that to support sealing the documents in 1S already public in other forums or this motion.

Nonetheless, the Court because it has no information of a will address each document countervailing interest outweighing separately below. the public right of access. 1 District courts in this Circuit have (E.D.N.C. Mar. 15, 2012) (citing concluded that documents filed in Covington v. Semones, Civ. Act. No. support of a motion for discovery which 7:06CV614, 2007 WL 1170644, at *2 involves purely procedural rather than (W.D.

Va. Apr. 17, 2007)); Kinetic substantive matters are not judicial Concepts, Inc. v. Convatec Inc, records and the right of public access No.1:08CV918, 2010 WL 1418312, at *9- does not apply. See, e.g., Azima v. Del 10 (M.D.N.C. Apr. 2, 2010). Rosso, No. 1:20CV954, 2025 WL 2903820, at *1(M.D.N.C. July 14, 2025); Lord Corp. v. S & B Tech. Prods., Inc., No. 5:09CV205, 2012 WL 895947, at *1 and Docket Entry 312-1: a February 2.

Docket Entry 316 Seed ea mead aloe In Docket Entry 316, Voltage moves to admitted into the trial seal Exhibit C, Docket Entry 322, to its comme he ev nee anne Motion in Limine No. 1 because it bench trial, unsealed; contains materials that Shoals Docket Entry 312-2: an excerpt designated as confidential business of a transcript of the deposition information. Docket Entry 316-1 at 2. of Mr. Johnson in the Shoals has responded and states that International Trade Exhibit C may be unsealed.

Docket Commission. CITC) case,* Entry 440 at 1-2. The motion to seal, providing information on Docket Entry 316, will be denied and interactions — Mr. Johnson Docket Entry 322, will be unsealed. addressed at the bench trial; Docket Entry 312-3: an excerpt 3. Docket Entries 317 and 387 from Mr. Johnson's testimony In Docket Entry 317, Shoals moves to in the ITC case, addressing the seal portions of its bench brief, Docket scope of discovery and Entry 325, and Exhibits 1 and 2 to that testimony on open patent brief, Docket Entries 326 and 327, applications

and _ involving proposed findings of fact related to information addressed at the the bench brief, portions of its bench trial; memorandum in support of its ¢ Docket Entries 312-4 and 6: Motion In Limine No. 1, Docket Entry email threads _— between 321, and Exhibits 1, 3, 6, 7, 9, and 10, opposing counsel in this case Docket Entries 321-1 through 321-6 largely about —_ scheduling filed in support, and portions of its depositions; memorandum in support of its ¢ Docket Entry 312-5: an excerpt Motion In Limine No. 2, Docket Entry from a transcript of a motion 328, and Exhibits 1 through 4, Docket hearing in this case addressing Entry 328-1 through 328-4, filed in the scope of discovery; and support.

Docket Entry 317 at 1.3 e Docket Entry 312-7: an excerpt from a transcript of a pre-trial Shoals _argues that the protective hearing. orders in this case and the ITC case cover these materials and that the materials contain sensitive business 2 In addition to this case, the parties are 3 The Motion to Seal references Exhibits involved in separate proceedings before 1, 3, 4, 6, 8, 9, and 10 to Motion In Limine the U.S. International Trade Commission No. 1, Docket Entry 317 at 1, but Shoals related to the same technology.

Re: has moved to seal Exhibits 1, 3, 6, 7, 9, Certain Photovoltaic Trunk Bus Cable and 10, see Docket Entries 319 and 321, Assemblies and Components Thereof, and those are the exhibits the Court will Inv. No. 337-TA-1438. address. information, the disclosure of which The Court will seal the following items could cause substantial harm. Id. at 4. referenced in Docket Entries 316, 317 In support thereof, Shoals has and 387 on consent of the parties and attached the declaration of one of its for good cause shown: attorneys asserting the materials contain confidential business ° Docket Entry 326: a COPY of the information covered by the protective initia' (Determination doe orders.

Docket Entry 317-2. (“ALJ”) in the ITC case:4 and Voltage’s position as to each item in e Docket Entry 325: Shoals’s this sealing motion: bench brief, containing e Docket Entry 325: agree ate fidential business e Docket Entry 326: agree Information. e Docket Entry 327: disagree The Court will deny the motion to seal e Docket Entry 321: disagree as as to the following items: to portions. e Docket Entry 325-1, Appendix ¢ Docket Entry 321-1: disagree A to Shoals’s bench brief, where ¢ Docket Entry 321-2: disagree neither party seeks sealing; e Docket Entry 321-3: disagree ° Docket Entry 325-2, Appendix e Docket Entry 321-6: disagree B to Shoals’s bench brief, where ¢ Docket Entry 328: disagree as neither party seeks sealing; to portions e Docket Entry 321, Shoals’s ¢ Docket Entry 328-2: disagree Memorandum (Motion in e Docket Entry 328-3: disagree Limine No. 1), where Shoals no e Docket Entry 328-4: disagree longer seeks redactions, see Docket Entry 440 at 1; See Docket Entry 387. e Docket Entry 321-2, Exhibit 3 As discussed above, a showing of good to Shoals’s (Motion in Limine cause is sufficient to sustain the No. 1), where Shoals no longer request to seal materials related to seeks redactions, see Docket bench briefs, as they are not judicial Entry 440 at 1; and records.

4 Shoals has recently responded and Motion to Seal, Docket Entry 387, moves indicates that a public version of that to file a copy of Exhibit 1 (Docket Entry document with redactions is now 386 in this motion) with redactions available in the ITC case. Docket Entry inconsistent with the public version from 440 at 4-5. Shoals states it will substitute the ITC case, the motion to seal, Docket a copy of the public version of that 387, will be denied for Docket Entry 326. document for its previous filing.

Id. at 5. The motion to seal will be granted to allow the redacted version of Docket Entry 326 to be filed. Insofar as Voltage's e Docket Entry 321-6, Exhibit 10 covered by the protective orders in to Shoals's (Motion in Limine this case and contain confidential No. 1), where Shoals no longer business information. But Shoals does seeks redactions, see Docket not identify the confidential Entry 440 at 1. information with any specificity, nor explain how its disclosure would be 4.

Docket Entry 317 harmful. In Docket Entry 317, Shoals moves to "[C]laims of confidentiality cannot be seal numerous documents; the made indiscriminately and without description and determinations of evidentiary support, even in patent each are set forth below. cases where such claims are highly likely to be valid." *Adjabeng v. First*, Docket Entry 327 is Exhibit 2 GlaxoSmith Kiline, LIC No to Shoals's bench brief, an unredacted 1:12CV568, 2014 WL 459851, at *3 order from the ITC case containing (M.D.N.C.

Feb. 5, 2014). Courts in the confidential business information. Fourth Circuit have repeatedly found Shoals has made the requisite that the mere fact that a document is showing to support sealing, and its subject to a protective order does not motion under Docket Entry 317 as to relieve a party from otherwise Docket Entry 327 is granted. establishing the need to seal under the Second, Docket Entries 321-1, 321-3, constricts of the law.

United States ex and 321-5 are excerpts from Dr. rel Thomas v. Duke Univ., No. Cameron's expert reports. Docket 1:17CV276, 2018 WL 4211375, at "13 Entry 321-45 is an excerpt from the (M.D.N.C. Sept. 4, 2018) (citing transcript of Dr. Cameron's Colony Ins. Co., No. 1:10CV581, 2012 deposition in the ITC case. Shoals WL 1047089, at *2 (M.D.N.C. Mar. moves to seal them in their entirety, 28, 2012) (collecting cases)).

It is claiming they contain confidential incumbent upon the party moving to business information as designated in seal to provide specific information as the protective order in the ITC case to how public access will negatively and this case. Docket 317 at 1-2. impact a _ parties' interest. See. *Rahman v. Wells Fargo Bank, N.A.*, In so doing, Shoals relies on a broad assertion that the materials are 5 In its response, and related motion to allow the redactions to remain under seal seal, Voltage argues that Shoals has not in Docket Entry 387.

In its response, met its burden of showing these Shoals asserts the redactions improperly documents should be sealed in their target information publicly available and entirety. Docket

Entry 385 at 8. Voltage asks the Court to deny Voltage's has provided versions of Docket Entries redactions to Exhibits 7 and 9, Docket 321-4 and 321-5 with limited redactions Entries 386-1 and 386-2.

Docket Entry of its confidential business information 440 at 4-7. and separately moved for the Court to No. 1:24CV333, 2025 WL 713850, at Third, Shoals moves to seal portions *5 (M.D.N.C. Mar. 5, 2025) of Docket Entry 328, its memorandum in support of its Insofar as Shoals has moved to seal Motion In Limine No. 2 and Docket these items in their entirety without Entries 328-1 through 328-4, the narrowly tailoring the request, the entirety of Exhibits 1-4, in support motion to seal is overly broad.

The thereof. See Docket Entry 324. Court will deny the motion without prejudice; Shoals may renew the Voltage agrees that Docket Entry 328- motion with sufficient specificity and 1 contains its confidential business support within 14 days of the entry of information and has proposed limited this Order.

In the interim, Docket redactions. Docket Entries 385 at 1, 9; Entries 321-1, 321-3, 321-4, and 321-5 386-3. Voltage otherwise asserts that shall remain sealed. Docket Entries 328-2 through 328-4 should not be sealed. See Docket With respect to Docket Entries 321-4 Entry 385 at 2. and 325-5, Voltage has also filed a motion to seal, Docket Entry 387, Shoals moves to redact, in Docket asking to file redacted versions of Entry 328, references to Dr. Stoll's these documents found in Docket expert report, specifically his opinion Entries 386-1 and 386-2.

Shoals regarding whether Maschoff Brennan moves to file the entirety of these attorneys violated the prosecution bar same exhibits under seal but also in the ITC case. See Docket Entry 328 argues the proposed redactions at 9-10. Shoals has not sufficiently should be denied because they redact demonstrated this material involves information already publicly confidential business or protected available.

Docket Entry 440 at 3. information so as to overcome the right of public access. These positions are inconsistent. And although some of the information at The motion to seal is denied with issue did arise at the bench trial, those respect to the memorandum in transcripts remain under seal. support of Shoal's Motion In Limine Voltage's redactions are minimal and No. 2 and Docket Entry 328 will be limited to specific confidential design unsealed. elements.

The Court will grant Docket Entries 328-1, 328-2, and Voltage's motion to seal, Docket Entry 328-3 (Exhibits 1, 2 and 3) are Mr. 387, insofar as it requests redactions Stoll's expert reports prepared in this to Docket Entries 321-4 and 321-5 case or the ITC case. Large portions of (reflected as Docket Entries 386-1 and the reports are descriptions of Mr. 386-2 in Voltage's motion).⁶ Stoll's background and qualifications, as well as general information on the 6 A noted

above, Shoals may file a these documents in its entirety; they will renewed and more specific motion to seal remain under seal in the interim. patent process and the law applicable 5.

Docket Entries 349 and 392 to equitable defenses. This In Docket Entry 349, Shoals moves to information is not confidential and seal Exhibits 1, 4, and 5 attached to its insofar as Shoals moves to the seal the Opposition to Voltage's Motion In exhibits in their entirety, the motion is Limine No. 1, Docket Entries 351, 351- overly broad, not sufficiently 1, 351-2, and 351-3.

Shoals asserts that supported, and is denied. However, Docket Entries 351-1 and 351-2 are the reports also include information documents designated as confidential of a more sensitive nature, at least business information as defined in the some of which Voltage has moved to protective order in the ITC case and redact in Docket Entry 328-1.7 this case, and disclosure would run Consequently, to the extent Shoals afoul of the protective orders.

Docket may still claim confidentiality of these Entry 349 at 3-4. exhibits, Shoals will be given an opportunity to more narrowly tailor Docket Entry 351 is an excerpt from the request to seal these items within the Initial Determination by the ALJ 14 days of the entry of this Order.

In in the ITC case. A public version of the the interim, Docket Entries 328-1, Initial Determination is now 328-2, and 328-3 will remain sealed. available, and the pages shown in Docket Entry 351 only have limited Docket Entry 328-4 is a transcript redactions.

The motion to seal is from a hearing before the ALJ in the denied to the extent Shoals moves to ITC case about the scope and fully seal Docket Entry 351, and admissibility of evidence. The Shoals is directed to file in the record transcript does not appear to contain the publicly available version of the any confidential business information excerpt in Docket Entry 351. and the information before the Court is insufficient to demonstrate a Docket Entry 351-1 is Voltage's countervailing interest that outweighs privilege log regarding its alternative the right of public access.

The motion designs. Both parties have asserted to seal is denied with respect to that this item contains confidential Exhibit 4 and Docket Entry 328-4 will business information and should be be unsealed. sealed. Docket Entries 349 at 3-4; 390 at 3. Voltage states the exhibit 7 In its response and motion to seal, shown a countervailing interest in Voltage indicates that Docket Entry 328-protected this limited information from 1 contains Voltage's confidential business public access.

The Court grants its information and proposes redactions. motion to seal, Docket Entry 387, insofar Docket Entries 385, 387. Specifically, as it seeks redaction of material in Docket Voltage moves to redact two lines of Entry 328-1, regardless of whether information in Docket Entry 328-1 that Shoals later makes a sufficient showing refers to specific design elements that that the entire document should be Voltage asserts are confidential.

Voltage sealed. has narrowly tailored its request and contains information about the material on its behalf but also moves components and configurations of to seal because other information may Voltage's alternative designs, contain the confidential business disclosure of which could harm its information of Shoals or a third party. business, Docket Entry 390 at 3, Docket Entry 332 at 2-3.

These bench which satisfies the countervailing brief materials are not judicial interest overcoming the right of records, see, e.g., Syngenta, 2017 WL access. The motion to seal will be 11685097, at * 1, and therefore, no granted for Docket Entry 351-1. public right of access applies. Given the confidential nature of information Docket Entry 351-2 is Voltage's contained in these documents, response to interrogatories; Shoals Voltage has demonstrated good cause originally moved to seal this item but to seal.

The motion, Docket Entry now states it may be unsealed. Docket 332, will be granted and Docket Entry 440 at 1-2. Voltage contends it Entries 331, 331-1, and 331-2 shall contains its confidential business remain sealed. information and has filed a motion to allow redactions of its confidential 2. Docket Entry 339 design information, as reflected in In Docket Entry 339, Voltage moves Docket Entry 391.

To the extent to seal its memorandum submitted Shoals now indicates Docket Entry with its Motion for In Camera Review 351-2 does not need to be sealed in its of Maschoff Brennan documents, entirety, the motion to seal in Docket Docket Entry 338, and Exhibit 1 in Entry 349 will be denied.

However, support, Docket Entry 338-1. Voltage Voltage has demonstrated a asserts the materials "contain countervailing interest in protecting information designated CBI by Shoals its confidential information and has or a third party in either this litigation narrowly tailored its redactions. or the 1438 Investigation." Docket Voltage's motion to seal, Docket Entry Entry 340 at 2.

The Court recently 392, will be granted to allow the sealed the privilege log of the emails redactions. The unredacted version of at the bench trial. See Docket Entry Docket Entry 351-2 may remain 412 at 145. Although the sealed, but the redacted version of memorandum also contains Docket Entry 351-2 at Docket Entry information that is not confidential, it 391 will be unsealed. has detailed references to privilege log E. Motions: Voltage Seeks Sealing entries throughout the document.

Therefore, the motion to seal, Docket 1. Docket Entry 332 Entry 339, will be granted. The In Docket Entry 332, Voltage moves documents at Docket Entry 338 and to seal its pre-trial bench brief and 338-1 may remain sealed. Exhibits 1 and 2 in support, Docket Entries 331, 331-1, and 331-2. Voltage claims confidentiality for some of the 3. Docket Entry 354 Brennan agrees these materials may be unsealed." Id. In Docket Entry 354, Voltage indicates that parts of its Opposition

Courts in the Fourth Circuit have to Shoals's Motion in Limine No. 2, repeatedly found that the mere fact a Docket Entry 355, and attached document is subject to a protective Exhibits 1-2, Docket Entries 355-1 and order does not relieve a party from 355-2, "contain information otherwise establishing the need to designated CBI by Shoals or a third seal under the constricts of the law. party in either this litigation or the See, e.g., United States ex rel.

1438 litigation. Voltage disputes the Thomas, 2018 WL 4211375, at *13. confidentiality of designation of some Docket Entry 355-1 does not contain of this information but has moved to any obvious protected or confidential seal it out of an abundance of information, and despite allowing an caution." Docket Entry 354 at 2. extended response period, see Docket Entry 428, Shoals has not provided Docket Entry 355 addresses the the Court with sufficient information admissibility of Mr. Stoll's testimony. to find a countervailing interest that Docket Entry 355.

Voltage is not outweighs the right of public access. claiming confidentiality on its behalf, The motion to seal Docket Entry 355- and in its response, Shoals has not 1 is denied and it shall be unsealed. claimed or shown that the document includes any privileged, confidential Docket Entry 355-2 is expert Robert or sensitive business information. See Haskell's rebuttal report.

Shoals has generally Docket Entry 440. The responded and agrees that it may be motion to seal is denied with respect unsealed. See Docket Entry 440 at 1- to the memorandum and Docket 2. Therefore, the motion to seal Entry 355 shall be unsealed. Docket Entry 355-2 is denied and it shall be unsealed. Docket Entry 355-1 is a copy of the rebuttal report of the Hon. Scott Kieff, 4.

Docket Entry 356 focusing on the patent process and In Docket Entry 356, Voltage moves equitable defenses. In its response, to seal Docket Entry 357-1, Exhibit A Shoals indicates that certain in support of its opposition to Shoals's materials, including this exhibit, were Motion in Limine No. 1. Voltage is not filed under seal "because they claiming confidentiality on its behalf, contained material marked and Shoals now agrees to unseal this confidential during the Inv.

No. 337- exhibit. Docket Entry 440 at 1-2. TA-1438 (the "1438 Investigation") by Therefore, the motion to seal Exhibit third-party Maschoff Brennan." A is denied and Docket Entry 357-1 Docket Entry 440 at 2. Shoals further will be unsealed. indicates it intends to coordinate "filing unsealed version on behalf of Voltage has also filed its opposition Maschoff Brennan if Maschoff memorandum under seal.

See Docket Entry 357. However, neither the motion to seal in Docket Entry 356, business information that should be nor any other motion to seal, moves to sealed and has attached proposed seal the opposition memorandum. redacted copies. See Docket Entry 393 Thus, Docket Entry 357 will be at 1; Docket Entries 393-2, 394. unsealed. Voltage has also filed a related motion to seal, Docket Entry 395, in which it 5.

Docket Entries 358 and 395 moves to file a redacted version of In Docket Entry 358, Shoals moves to Docket Entry 361-3 under seal. See redact portions of Docket Entry 361, Docket Entry 395 at 1. its memorandum in support of its The interest in preserving the Motion for Preliminary Injunction confidentiality of sensitive business and Docket Entries 361-1, 361-2, and information such as “proprietary and 361-3, Exhibits 1, 5, and 6 filed in trade-secret” information may support thereof.

The public right of outweigh the right of access under the access to material filed with a motion First Amendment. Doe, 749 F.3d at for preliminary injunction stems from 269. With respect to Docket Entry the First Amendment. See, e.g., 361, Shoals has submitted redactions Natera, Inc. v. NeoGenomics Lab’ys, of confidential internal business Inc., No. 1:23CV629, 2024 WL information such as numbers relating 1464744, at *2 (M.D.N.C.

Apr. 4, to profits and references to protected 2024); RLI Ins. Co. v. Nexus Servs., design elements. The redactions are Inc. No. 5:18CV66, 2018 WL narrowly tailored and there is a 10602398, at *1 (W.D. Va. Oct 30, compelling interest in protecting the 2018).

Therefore, the parties must information, the disclosure of which show a compelling interest and that could harm the competitive business there is no less restrictive alternative. interests of the parties. The motion is Doe, 749 F.3d at 266. granted and the redacted version of Shoals argues the redactions in the brief, Docket Entry 360, will be Docket Entry 361 and Docket Entries allowed.

361-2 and 361-3 contain “sensitive Docket Entry 361-1 is an unredacted business information, disclosure of copy of the Initial Determination by which may cause substantial harm to the ALJ in the ITC case. As noted Shoal’s competitive position,” see above, there is now a public version of Docket Entry 358, ¶ 11. Shoals asserts this document available with that Docket Entry 361-1 is an excerpt redactions.

The motion to seal is of a document designated as denied insofar as Shoals moves to seal “confidential business information” the full version of the Initial in the protective order in the ITC case. Determination. Shoals is directed to Id., ¶ 10. file on the record a copy of the publicly Voltage has responded and indicates available version of the document to that Docket Entries 361, 361-1, and replace the sealed document at 361-2 contain Voltage’s confidential Docket Entry 360-1.

Docket Entry 361-2 is a copy of the motion to seal, Docket Entry 395, is report of Justin Blok, an accounting also granted. expert, addressing Shoals’s financial Docket Entry 361-3 is a declaration of harm and damages. Shoals Karen Bazela, a Senior Vice President subsequently provided additional for Shoals.

The declaration includes asserts that the report includes internal financial information on significant amounts of sensitive and projects Shoals has bid on and its confidential financial

information actual and anticipated losses. Docket such as projected revenues, royalty Entry 361-3. Shoals asserts that its calculations, pricing information, contains sensitive business manufacturing capacity, and cost information.

Docket Entry 358 at 4. structure information. See Docket The materials lack sufficient support Entry 440 at 3-4. Redactions are not for the Court to find a compelling feasible, Shoals argues, because the interest to seal it in its entirety.

To the majority of the report contains extent Shoals may still claim the confidential information and the exhibit contains confidential exhibit should be sealed in its entirety. information, Shoals will be given an Id. at 4. Voltage has filed a response opportunity to make a more sufficient and asserts Docket Entry 361-2 showing and narrowly tailor its contains some of its confidential request within 14 days of the entry of business information.

Docket Entry this Order. In the interim, it shall 293. Voltage has also filed a motion to remain sealed. Docket Entry 361-3 seal a redacted version of the exhibit. will remain sealed at this time. Docket Entry 395. II. CONCLUSION The parties have established that Docket Entry 361-2 contains The Court notes that this order extensive sensitive business provides Shoals with the opportunity information and there is a compelling to correct deficient justifications for interest in protecting the information sealing in three different motions that currently outweighs the right of involving seven different documents. public access.

The Court agrees that This is the last such dispensation. The the confidential information is standard for sealing is well-settled. peppered throughout the document, Going forward, there will be no and a redacted version of the further second chances to provide the document would not be practical or Court with the information necessary useful.

The motion to seal, Docket to make a reasoned determination Entry 358, is granted for Docket Entry prior to unsealing. 361-2 and it can remain sealed in its IT IS HEREBY ORDERED that the entirety at this time. Insofar as pending motions to seal are granted Voltage moves to seal its confidential and/or, denied as follows: information as shown in the redactions, Docket Entry 394, the 1.

The Motion to Seal, Docket Entry 313 is DENIED. The Clerk shall unseal the documents filed at Docket 12. The Motion to Seal, Docket Entry Entries 312, 312-1, 312-2, 312-3, 312- 395, is GRANTED. 4, 312-5, 312-6, 312-7, 312-8, and 312- IT IS ORDERED that, on or before 9 fourteen days from the entry of this 2.

The Motion to Seal, Docket Entry Order, Shoals is directed to replace 316, is DENIED. The Clerk shall the current filings at Docket Entries unseal Docket Entry 322. 326, 351, and 360-1 with the 3. The Motion to Seal, Docket Entry corresponding pages from the puvie 317, is GRANTED IN PART AND Initial Determination by the ALJ in DENIED IN PART.

The Clerk shall. the ITC case. unseal Docket Entries 321, 321-2, 321- 6, 325-1, 325-2, 328, and 328-4. IT IS ORDERED that, on or before. fourteen days of entry of this Order, to 4. The Motion to Seal, Docket Entry the extent Shoals still ts Docket 332, is GRANTED. e extent Shoals still asserts Docke Entries 321-1, 321-3, 321-4, and 321-5 5.

The Motion to Seal, Docket Entry (Exhibits 1, 6, 7, and 9 to Shoals's 339, is GRANTED. Motion In Limine No. 1), Docket 6. The Motion to Seal, Docket Entry (Eshibits 328 ° "Oe 349, is GRANTED IN PART AND Motion In Limine No. 2), and Docket unseal Docket Entry 391. Motion for Preliminary Injunction) 7.

The Motion to Seal, Docket Entry contain confidential information, 354, is DENIED. The Clerk shall Shoals is directed to make a renewed unseal Docket Entries 355, 355-1, and showing in support of its request to 355-2. seal with narrowly tailored redactions. of confidential information along with 8.

The Motion to Seal, Docket Entry explanation for the court to 356, is GRANTED IN PART AND understand how disclosure of the DENIED IN PART. The Clerk shall redacted material would harm the unseal Docket Entries 357 and 357-1. party. 9.

The Motion to Seal, Docket Entry Any proposed redactions of Docket 358, is GRANTED IN PART AND Entries 321-4 and 321-5 (Exhibit 7 DENIED IN PART. and 9 to Motion In Limine No. 1) and 10. The Motion to Seal, Docket Entry Docket Entry 328-1 (Exhibit 1 to 387, is GRANTED IN PART AND Motion In Limine No. 2) should also DENIED IN PART. include the redactions of Voltage's confidential information as allowed 11.

The Motion to Seal, Docket Entry by the Court and as shown in Docket 392, is GRANTED. Entries 386-1, 386-2, and 386-3. If Shoals fails to file documents within 14 the time allowed, the exhibits will be unsealed as specified above. J wb Gibson United States Magistrate Judge April 13, 2026 Durham, NC 15 APPENDIX A Docket Entry 313 Memorandum, redactions at pages 3-8, 10-11, 14-15 DE 312 Exh.

5, Feb. 2024 Emails between Maschoff Brennan DE 312-1 Attorneys Exh. 6, May 21, 2025, Johnson Deposition Testimony DE 312-2 Exh. 7, Johnson Hearing Testimony from ITC DE 312-3 Exh. 8, Oct. 2025, emails regarding deposition of DE 312-4 Maschoff Brennan Attorneys Exh. 9, Excerpt of Tr. of Motions Hearing on 11/12/25 DE 312-5 Exh. 10, November 21, 2025 emails regarding DE 312-6 depositions Exh.

11, Excerpt of Tr. of Hearing before Judge DE 312-7 Urbanski on 1/29/2026 Exh. 12, Plaintiff's Second Supp. Resp. to First De 312-8 Interrogatories Exh. 13, Plaintiff's objections and responses to Third DE 312-9 Request for Admissions Docket Entry 316 Exh. C, Plaintiff's First Supp. Responses to Second Set DE 322 of Interrogatories Docket Entry 317 Shoal's Pre-trial Brief (Docket Entry 325) DE 325 Exh.

1 to Shoal's Bench Brief, Initial Determination by DE 326 ALJ judge in ITC case dated 2/6/2026 (Docket Entry 326) Exh. 2 to Shoals's Bench Brief, Order No. 19 DE 327 Memorandum (Mot. In Limine No. 1) DE 321 Exh. 1, Expert Report of Dr. Cameron, Phd (prepared DE 321-1 for this case) Exh. 3, Rebuttal Expert Report of Dr. Cameron from DE 321-2 ITC case Exh. 6, Opening Expert Report of Dr. Cameron, PhD DE 321-3 from ITC case (table of contents) Exh.

7, Excerpt of Tr. from deposition of Dr. Cameron DE 321-4 ion 11/14/25/ in ITC case Exh. 9, Reply Expert Report of Dr. Cameron on DE 321-5 Equitable Defenses (prepared for this case) Exh. 10, Initial Determination by ALJ judge in ITC DE 321-6 case dated 2/6/2026 Memorandum (Mot.

In Limine No. 2), DE 328 Exhibit 1, Expert Report of Mr. Stoll (prepared for this DE 328-1 case) Exhibit 2, Reply Expert Report of Mr. Stoll DE 328-2 Exhibit 3, Expert Report of Mr. Stoll in ITC case DE 328-3 Exhibit 4, Tr. from July 16, 2025, Motion to Strike Hr'g DE 328-4 in ITC case Docket Entry 332 Defendant's Bench Brief DE 331 Exh. 1, Timeline on Unclean Hands/Inequitable De 331-1 Conduct Exh.

2, Def. Amended Trial Exh. List De 331-2 Docket Entry 339 Memorandum In Support of In Camera Review DE 338 Exh. 1, Maschoff Brennan Privilege Log DE 338-1 Docket Entry 349 Exh. 1, Initial Determination by ALJ judge in ITC case DE 351 dated 2/6/2026 Exh. 4, Voltage Privilege Log on Alt. Designs DE 351-1 Exh. 5, Defendants Fifth Supp. Objections and DE 351-2 Responses to First Interrogatories Docket Entry 354 Memorandum.

Opposing Mot. In Limine No. 2 DE 355 Exh. 1, Rebuttal Expert Report of Hon. Scott Kieff DE 355-1 (prepared for this case) Exh. 2, Rebuttal Expert Report of Robert Haskell DE 355-2 Docket Entry 354 Memorandum In Opposition to Motion In Limine No. DE 357 2 Exh. A, Rebuttal Expert Report of Dr. Daniel Codd DE 357-1 Docket Entry 358 Memorandum, at 7, 9, 11, 13, 14, 17, 19 DE 361 Exh.

1, Initial Determination by ALJ (dated 2/6/2026) DE 361-1 Exh. 5, Expert Report of Justin Bok (prepared for this DE 361-2 case) Exh. 6, Decl of Karen Bazel, Senior VP Shoals De 361-3 Docket Entry 387 Exh. 1 to Bench Brief, Complete Initial Determ. (DE DE 386 326) Exh. 7 to Mot.

In Lim #1, Excerpt of Tr. from DE 386-1 deposition of Dr. Cameron on 11/14/25/ in ITC case (DE 321-4) Exh. 9 to Mot. In Lim. #1, Reply Expert Report of Dr. DE 386-2 Cameron on Equitable Defenses (prepared for this case) (DE 321-5) Exh. 1 to Mot.

In Lim. #2, Expert Report of Robert DE 386-3 Stoll (DE 328-1) Docket Entry 392 Exh. 5 to Voltage's Resp (DE 390) to Motion to Seal DE 391 (and 351-2) (DE 349) Docket Entry 395 Exh. 5 to Voltage's Resp (DE 393) to Motion to Seal DE 394 (and 361-2) (DE 358)

