

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2008 JUL 28

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UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
MICROSEMI CORPORATION,)
Defendant.)

Civil Action No. 1:08 CV 1311

[PROPOSED] ORDER

Before the Court is Plaintiff's Motion to File Under Seal its Memorandum in Opposition of Defendant Microsemi's Motion to Strike, or, in the Alternative, to Seal, Part of the Memorandum in Support of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction. Because the memorandum and supporting exhibit refer to the information that is the subject of Defendant's underlying motion to strike or seal, the Court finds that it is appropriate to enter an order sealing the aforementioned documents pending a decision on that motion.

The Court has come to this conclusion mindful of the factors set forth in *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000), which mandates that before entering an order sealing documents, a district court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives."

Docketing the motion to seal “reasonably in advance of deciding the issue” is sufficient to provide the public notice required by *Ashcraft*. See *In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (cited by *Ashcraft*, 218 F.3d at 302). Plaintiff’s motion was docketed on Friday, January 30, 2009, and the docket has been made available to the public. In addition, the Court finds that there are no less drastic alternatives to sealing the aforementioned documents. Redacting the information at issue from the documents is not an option, as it would deprive the Court of the information it needs in order to evaluate whether that same information should be stricken or sealed pursuant to Defendant’s underlying motion.

For these reasons, and for good cause shown, Plaintiff’s Motion to File Under Seal its Memorandum in Opposition of Defendant Microsemi’s Motion to Strike, or, in the Alternative, to Seal, Part of the Memorandum in Support of Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction is GRANTED. It is ORDERED that the Memorandum in Opposition of Defendant Microsemi’s Motion to Strike, or, in the Alternative, to Seal, Part of the Memorandum in Support of Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction, along with its supporting exhibit, shall be SEALED until further order of this Court.

SO ORDERED, this ____ day of _____, 2009.

UNITED STATES MAGISTRATE JUDGE