

DOCKET NO: UWYCV146026552S

SUPERIOR COURT

NUCAP INDUSTRIES INC. Et Al  
V.  
PREFERRED TOOL AND DIE, INC. Et Al

JUDICIAL DISTRICT OF WATERBURY  
AT WATERBURY

11/7/2016

ORDER

ORDER REGARDING:  
10/11/2016 162.00 MOTION TO SEAL DOCUMENT

The foregoing, having been considered by the Court, is hereby:

ORDER: GRANTED

The defendants seek to have certain documents it filed in support of its objection to plaintiffs' motion for order of compliance sealed on the basis that the information is confidential pursuant to a protective order entered into by the parties and contains protected proprietary information of both parties. The plaintiffs have filed suit against the defendants for misappropriation of trade secrets and proprietary product design and manufacturing information. There was no objection by opposing counsel or any member of the public to the consideration of sealing the records.

Practice Book §11-20A(a) provides that “[e]xcept as otherwise provided by law, there shall be a presumption that documents filed with the court shall be available to the public.” According to Practice Book §11-20A (b), “the judicial authority shall not order that any files, affidavits, documents, or other materials on file with the court or filed in connection with a court proceeding be sealed or their disclosure limited,” unless, pursuant to § 11-20A(c), “the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public’s interest in viewing such materials.”

“The presumption of openness of court proceedings . . . is a fundamental principle of our judicial system. . . This policy of openness is not to be abridged lightly. In fact, the legislature has provided for very few instances in which it has determined that, as a matter of course, certain privacy concerns outweigh the public’s interest to open judicial proceedings. . . The right to have documents sealed is not a right the parties have as against each other; the court must determine the question as against the demands of the public interest.” (Citation omitted; internal quotation marks omitted.) *Bank of New York v. Bell*, 120 Conn. App. 837, 846, 993 A.2d 1022, appeal dismissed, 298 Conn. 917 (2010).

After consideration, the court finds that the sealing of the documents is necessary to preserve the parties’ interest in alleged proprietary business information and that their privacy interest in the information in the documents overrides the public’s interest in viewing the material. Therefore, the court grants the motion to seal and orders that the pertinent exhibits and portions of the objection as indicated will be immediately sealed and not available to the public. A redacted version (#171) of the pertinent documents has been filed by the defendants. This order will remain in effect until 30 days after the final resolution of this action.

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mailed to all counsel of record on 11/7/16

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Judge: RUPAL SHAH