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## Order on Joint Motion to Seal Record (Zelby)

Elizabeth E. Long  
*Fulton County Superior Court*

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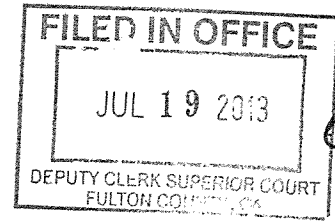
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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

**COPY**

DAVID ZELBY, )  
)  
Plaintiff, )  
)  
v. )  
)  
MICHAEL THOMAS, individually and )  
d/b/a THOMAS USAF GROUP, LLC, and )  
THE BANK NETWORK, INC., )  
)  
Defendants. )  
)  
)  
)  
)  
)  
)

Civil Action File No.  
2012CV225412



**ORDER ON JOINT MOTION TO SEAL RECORD**

This matter is before the Court on the Joint Motion to Seal Record. The parties request that the Court order the following pleadings and accompanying exhibits sealed:

1. Complaint for damages, December 31, 2012;
2. Brief in Support of Motion to Dismiss, February 4, 2013;
3. Answer and Affirmative Defenses, February 4, 2012;
4. Amended Brief in Support of Motion to Dismiss, February 11, 2013;
5. First Amended Complaint for Damages, March 1, 2013;
6. Plaintiff's Brief in Opposition to Motion to Dismiss, March 1, 2013;
7. Plaintiff's Response to Defendants Motion to Transfer Case to Business Division, March 1, 2012;
8. Defendants' Reply Brief in Support of Motion to Dismiss, April 15, 2013;
9. Plaintiff's Sur-Reply Brief in Opposition to Motion to Dismiss, April 29, 2013;
10. Post Hearing Brief in Support of Defendants' Motion to Dismiss, May 7, 2013;

11. Second Amendment to Complaint, May 8, 2013;
12. Plaintiff's Response to Defendants' Post Hearing Brief, May 8, 2013;
13. Transcript of the May 1, 2013, hearing on the Motion to Dismiss.

In support of their request, the parties' argue that the pleadings above "disclose a highly confidential business method and process," which Defendants maintain as confidential business secrets and wish to protect from further public disclosure.

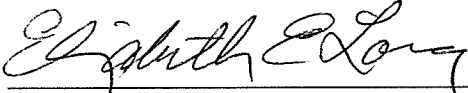
Uniform Superior Court Rule 21 provides that: "[a]ll court records are public and are to be available for public inspection unless public access is limited by law or by the procedure set forth below." The Rules go on to specify the circumstances under which the trial court can seal the record, and explain that: "[u]pon motion by any party ... after hearing, the court may limit access to court files.... An order limiting access shall not be granted except upon a finding that the harm otherwise resulting to the privacy of a person in interest clearly outweighs the public interest."

"A party seeking to seal court records carries the burden of demonstrating that the harm otherwise resulting to his or her privacy clearly outweighs the public's substantial interest in access to the records. Correspondingly, the trial court is obligated to weigh the harm to the party's privacy interest that will result from not sealing the records against the harm to the public's right of access that will result from sealing the records.... By their nature, civil lawsuits quite often cause litigants to experience an invasion of privacy and resulting embarrassment, yet that fact alone does not permit trial courts to routinely seal court records." In re Atlanta Journal-Constitution, 271 Ga. 436, 437-438 (1999).

Here, the Court finds insufficient grounds to order the selected pleadings sealed from the public. The pleadings at issue have already been accessible for public consumption, some for

well over a year. Moreover, the parties' faint generalization that the pleadings at issue disclose "confidential business method and process" is not clear from the record and, in any case, is not sufficient to outweigh the public's substantial interest in access to court records. Accordingly, the motion is **DENIED**.

**SO ORDERED this 19<sup>th</sup> day of July, 2013.**

  
ELIZABETH E. LONG, SENIOR JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

**Copies to:**

<b>Attorneys for Plaintiffs</b>	<b>Attorneys for Defendants</b>
Lawrence A. Cooper Jefferson M. Allen Gwen Havlik COHEN COOPER ESTEP & ALLEN LLC 3330 Cumberland Boulevard, Suite 600 Atlanta, GA 30339 Tel: (404) 814-0000 <a href="mailto:lcooper@ccealaw.com">lcooper@ccealaw.com</a> <a href="mailto:jallen@ccealaw.com">jallen@ccealaw.com</a>	L. Matt Wilson James M. Wilson THE WILSON LAW FIRM, P.C. 4330 Georgetown Square, Suite 500 Atlanta, GA 30338 Tel: (404) 364-2240 <a href="mailto:matt@willaw.com">matt@willaw.com</a> <a href="mailto:jim@willaw.com">jim@willaw.com</a>