

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

CAPE FEAR PUBLIC UTILITY)	
AUTHORITY, BRUNSWICK COUNTY,)	
LOWER CAPE FEAR WATER & SEWER)	
AUTHORITY, and TOWN OF)	Case No. 7:17-CV-00195-D
WRIGHTSVILLE BEACH,)	Case No. 7:17-CV-00209-D
)	
Plaintiffs,)	DEFENDANTS' MEMORANDUM OF
)	LAW IN SUPPORT OF MOTION TO
v.)	MAINTAIN MATERIALS UNDER
)	SEAL
THE CHEMOURS COMPANY FC, LLC,)	
E. I. DU PONT DE NEMOURS AND)	Fed. R. Civ. P. 5.2
COMPANY, and THE CHEMOURS)	Local Civil Rules 7.1, 79.2
COMPANY,)	
)	
Defendants.)	

Defendants The Chemours Company FC, LLC, The Chemours Company, and EIDP, Inc. (collectively, “Defendants”) respectfully submit this memorandum of law in support of their motion to maintain materials under seal [D.E. 465].

BACKGROUND

This is a case about alleged releases of per- and poly-fluoroalkyl substances (“PFAS”) into the environment.

Issues in this dispute involve non-public information, including information about business operations, processes, research, and strategies, water sources, water testing results, and other non-public, confidential business information that might reasonably be expected to be kept private and confidential. In recognition of the foregoing circumstances, the parties entered into, and this Court approved, a Stipulation and Order Governing the Exchange of Confidential Material to facilitate the exchange of discovery in the case. [D.E. 84]. That Stipulation and Order contemplates that information designated as “confidential” or “highly confidential” under its terms, as well as any

information containing or derived from such information, may be filed under seal. [D.E. 84 ¶ 12]. In accordance with that Stipulation and Order, the parties have designated certain information exchanged in discovery as “confidential” and “highly confidential.”

On January 17, 2025, Plaintiff Cape Fear Public Utility Authority, Brunswick County, Lower Cape Fear Water and Sewer Authority, and Town of Wrightsville Beach (collectively, “Plaintiffs”) filed motions for summary judgment. In connection with those motions, they filed a very large number of documents. Some of those documents are documents that they relied on in their summary judgment motions. Many of them are not and have no bearing at all on any material issues presented by the motions.

Plaintiffs filed these materials (and other materials in connection with their motions for summary judgment) in derogation of section V.E.1.d. of the CM/ECF Policy Manual, which provides “Each exhibit must be scanned in text-searchable format as a separate PDF and docketed as a separate attachment. The exhibits must not be scanned together into one PDF and docketed as a single attachment.” Instead, Plaintiffs filed the materials grouped together into PDFs. Although Plaintiffs sought different relief from Policy Manual filing requirements by a Joint Motion filed on January 15, 2025, [D.E. 345]; they did not seek leave to ignore this rule. And, in any event, the Court denied the relief from Policy Manual filing requirements. [D.E. 346]. Combined, the PDFs, which include the documents that the Plaintiffs filed provisionally under seal, comprise over 575 separate documents that total nearly 21,000 pages.

In short, Plaintiffs’ indiscriminate inclusion of large swathes of immaterial documents and submission of amalgamated PDFs in violation of the rules are prejudicial. These circumstances impose an undue burden on Defendants in responding and preparing this motion. Under these circumstances, in the event that the Court has additional questions or determines that Defendants’

showing as to any of the particular documents that Defendants seek to have maintained under seal is incomplete, Defendants respectfully request that they be given an opportunity to supplement the record provided here.

Certain of these documents filed by Plaintiffs were designated as “confidential” or “highly confidential” by Defendants. Certain of these documents filed by Plaintiffs reveal information from documents designated as “confidential” or “highly confidential” by Defendants. For that reason, Plaintiffs filed certain of the documents provisionally under seal in accordance with section V.G.1.e of the CM/ECF Policy Manual. [D.E. 395 and D.E. 407].

For the reasons described below and those set forth in the accompanying Declaration of Kathleen E. O’Keefe, Defendants are moving pursuant to Federal Rule of Civil Procedure 5.2, Local Civil Rules 7.1 and 79.2, and section V.G of the CM/ECF Policy Manual to have certain of these materials maintained under seal. Defendants also are moving to have Defendants’ Statement in Opposition to Plaintiffs’ Joint Statement of Material Facts under Local Rule 56.1(a)(2) [D.E. 456] maintained under seal because it recites some of the same information from these other documents.

LEGAL STANDARD

A party may file a motion to seal under Local Civil Rule 79.2. In ruling on motions to seal, this Court considers five factors set forth in section V.G.1.a. of the Electronic Case Filing Administrative Policies and Procedures Manual (the “Policy Manual”). That section requires that such motions be filed with a memorandum that addresses the following:

- (i) the exact document or item, or portions, thereof, for which under-seal filing is requested;
- (ii) how such request to seal overcomes the common law or the First Amendment presumption to access;
- (iii) the specific qualities of the material at issue that justify sealing such material, taking into account the balance of competing interests in access;

- (iv) the reasons why alternatives to sealing are inadequate; and
- (v) whether there is consent to the motion.

Policy Manual § V.G.1.a.

The Supreme Court recognizes both a First Amendment right and “a common law right to inspect and copy judicial records and documents.” *In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978)). “Courts apply the ‘experience and logic’ test to determine whether there is also a First Amendment right to access, which provides more substantive protection to the public’s interest in access than does the common law.” *Nallapati v. Justh Holdings, LLC*, No. 5:20-CV-47-D, 2022 WL 4238054, at *1 (E.D.N.C. Sept. 14, 2022) (“*Nallapati I*”) (citing *In re Application of the U.S. for an Order Pursuant to 18 U.S.C. Section 2703(D)*, 707 F.3d 283, 291 (4th Cir. 2013)).

The First Amendment right of access generally applies to documents filed in conjunction with summary judgment briefing. *Nallapati v. Justh Holdings, LLC*, 637 F. Supp. 3d 357, 362 (E.D.N.C. Oct. 28, 2002) (“*Nallapati II*”). “However, ‘the mere existence of a First Amendment right to access . . . to a particular kind of document does not entitle the press and the public to access in every case.’” *Id.* (quoting *Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253 (4th Cir. 1988)). A court may seal material subject to the First Amendment standard if sealing is “essential to preserve important, higher interests . . . and narrowly tailored to serve that interest. . . .” *Id.* (citations and quotations omitted). “The ‘protection of a party’s interest in confidential commercial information . . . where there is a sufficient threat of irreparable harm’ is a recognized exception to the ‘presumptive openness of judicial proceedings’” under the First Amendment. *Nallapati v. Nallapati*, No. 5:20-CV-470-BO, 2023 WL 2395771, at *1 (E.D.N.C. Mar. 7, 2023) (“*Nallapati III*”) (quoting *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984)).

In *Silicon Knights, Inc. v. Epic Games, Inc.*, No. 5:07-CV-275-D, 2011 WL 901958, at *1-

2 (E.D.N.C. Mar. 15, 2011), the court applied the First Amendment right of access standard and granted the parties' motion to seal materials that were filed in connection with or in relation to a motion that sought dispositive relief. The court found that:

the parties [had] demonstrated that the documents in question contain confidential and proprietary commercial information, including information relating to alleged trade secrets and other highly sensitive financial and business information belonging to the parties as well as third-parties, information which is of utmost importance to them but not generally available to the public or bearing importance to any public matters.

Id. at *2. Accordingly, the court found that “the presumption of access” under the First Amendment “ha[d] been overcome.” *Id.*

Additionally, where a party has needlessly filed documents that are immaterial to the motion for summary judgment, as Plaintiffs did here, the immaterial documents need not be considered on the motion for summary judgment. In that case, the common law presumption of access should apply. Under that standard, “[t]he trial court . . . may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Publ’g Co.*, 743 F.2d at 235; *see also Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178, 180 (4th Cir. 1988) (holding that the common law presumption of a right to inspect and copy judicial records may be overcome “if competing interests outweigh the interest in access, and [that] court’s denial of access is reviewable only for abuse of discretion”).

ARGUMENT

1. The exact document or item, or portions, thereof, for which under-seal filing is requested.

Defendants previously sought and obtained leave to provide the document-by-document analysis of the materials for which under-seal filing is requested in a chart format. [D.E. 426, D.E.

427]. Defendants respectfully seek leave to maintain under seal the materials from Plaintiffs' "Joint Appendix" listed specifically in the chart attached hereto as Exhibit A.

Defendants also respectfully seek leave to maintain under seal the following filings because they directly quote from, and in some cases include depictions from, the confidential portions of materials in the Plaintiffs' "Joint Appendix": [D.E. 352 (Memorandum of Plaintiff Cape Fear Public Utility Authority in Support of Motion for Partial Summary Judgment), D.E. 353 (Plaintiffs' Joint Statement of Material Facts); D.E. 390 (Plaintiffs Brunswick County's, LCFWSA's, and Town of Wrightsville Beach's Memorandum in Support of Motion for Partial Summary Judgment); and D.E. 456 (Defendants' Statement in Opposition to Plaintiffs' Joint Statement of Material Facts under Local Rule 56.1(a)(2))]. Defendants also respectfully seek leave to maintain under seal D.E. 453 (Exhibit I to Defendants' Memorandum of Law in Support of Their Motion to Withdraw or Amend Requests for Admission).

2. How Defendants' request to seal overcomes the First Amendment presumption to access (in the case of documents properly filed in connection with Plaintiffs' motions for summary judgment) or the common-law presumption (in the case of documents immaterial to the motions for summary judgment).

Most of the documents subject to this motion are internal communications among Defendants' employees that reveal non-public facts about the operations of Defendants' businesses. As set forth more particularly in the chart attached as Exhibit A, these facts include the following topics: (1) the processes used to create chemical products, (2) designs for improving the efficiency of those processes, (3) testing and evaluation of those processes, (4) sourcing of inputs to those processes, (5) optimization of outputs of those processes, (6) competitive considerations about the market for the products produced as a result of those processes, (7) the byproducts and intermediaries of those processes (including the potential use or treatment of those byproducts and intermediaries), (8) options for assessing and addressing the environmental

impacts of those processes, (9) decisions about capital outlays with respect to these processes, and (10) strategic goals and direction concerning each of these matters.

The court has recognized that this exact type of information is competitively sensitive because, in the hands of a competitor, it could be used to disadvantage Defendants. *See, e.g., Sempowich v. Tactile Sys. Tech., Inc.*, No. 18-CV-488, 2020 WL 2789792, at *3 (E.D.N.C. May 29, 2020) (sealing “names . . . of strategic partners” and data about “revenue, productivity, order, and year-over-year growth” because absent sealing the documents would provide competitors with “new insight on target opportunities and . . . commercial approach and plan relative to growth opportunities”); *Nallapati I*, 2022 WL 4238054, at *2 (finding that material “substantially comprised of commercially sensitive information” should be sealed under the First Amendment standard because competitors could access it to the detriment of parties and non-parties). For example, if a competitor learned non-public information about the processes used by Defendants to create chemical products (or any of the above-listed considerations about those processes), they could replicate those processes without incurring the research and development costs that would be required to do so independently. They also could improve their own processes without incurring the research and development costs that would be required to do so independently.

The Court has concluded that these competitive disadvantages have overcome the First Amendment presumptions of access to judicial records and the less rigorous common-law presumption. *See, e.g., Sempowich*, 2020 WL 2789792, at *3; *Nallapati I*, 2022 WL 4238054, at *2.

Additionally, and although Defendants will not identify transcripts with specificity so as not to reveal whether any individuals participated in grand jury proceedings, Defendants note that counsel for Plaintiff Cape Fear Public Utility Authority routinely asked witnesses about their

participation, if any, in grand-jury proceedings. Plaintiff Cape Fear Public Utility Authority then sought discovery into those matters from the United States Attorneys' Office. [*E.g.*, D.E. 190; D.E. 197]. In doing so, they filed deposition transcripts on the record and opposed Defendants' efforts to have those maintained under seal. [D.E. 205 ¶ 6]. The Court, expressly discussing the importance of grand-jury secrecy, denied Plaintiff Cape Fear Public Utility Authority's gambit to obtain this information. [D.E. 288]. The Court also Ordered that the materials filed by Plaintiff Cape Fear Public Utility Authority, including deposition transcripts, be maintained under seal over Plaintiff Cape Fear Public Utility Authority's initial objection. [D.E. 294]. These same reasons support sealing certain of the materials at issue here.

D.E. 453 (Exhibit I to Defendants' Memorandum of Law in Support of Their Motion to Withdraw or Amend Requests for Admission) consists of deposition excerpts of current or former employees of Defendants in which the employee provided detailed information about Defendants' processes used to create chemical products, testing and evaluation of those processes, and the byproducts and intermediaries of those processes. The transcripts appear to be non-public, were designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, could be used to Defendants' disadvantage. There is no evidence that the subject matter of this testimony was divulged apart from discovery in litigation. Although this exhibit is filed in connection with a discovery motion, and is only subject to the lesser common law right of access, these materials satisfy the standard to overcome the higher First Amendment right of access standard. Defendants respectfully request that this exhibit be maintained under seal.

3. The specific qualities of the material at issue that justify sealing such material, taking into account the balance of competing interests in access.

The specific qualities of the material at issue that justify sealing and/or redaction are listed

on a document-by-document basis in the chart attached as Exhibit A. As described in Sections 1 and 2 above, the documents reveal information about non-public, sensitive, and confidential business information of Defendants' and should be maintained under seal.

4. The reasons why alternatives to sealing are inadequate.

The materials at issue contain confidential, non-public business information of Defendants of the various types described above. This is precisely the sort of information that this Court has sealed, noting that no alternative to sealing existed. *See Silicon Knights*, 2011 WL 901958, at *2 (“Because, as described, the documents (or portions of documents) in question contain information protected as trade secrets and other confidential business information not generally available to the public, the court finds that alternatives to sealing . . . do not exist at the present time.”). Moreover, while not every piece of information contained within each document described in section one above may warrant sealing, the non-confidential information would contribute little to the public’s understanding of the issues presented “and, thus, redaction is not a necessary or reasonable alternative to sealing under the circumstances presented.” *See Nallapati II*, 637 F. Supp. 3d at 366.

Redacting is also impractical in this case given the enormous volume of documents—including documents and portions of documents that are immaterial to the Plaintiffs’ summary-judgment motions. Plaintiffs’ blunderbuss approach to submitting materials would require Defendants to review and redact literally tens of thousands of documents. This burden is undue considering how much of the material has been filed unnecessarily.

In the event the Court determines that any of these documents should not be sealed because redaction presents a less drastic alternative to sealing, Defendants respectfully request that they be given an opportunity to propose redacted versions of those documents that could be made public. For the reasons discussed above, Defendants have not undertaken to delineate especially sensitive,

non-public, confidential information on a line-by-line basis. However, if the Court would permit them to do so, Defendants would endeavor to redact such information.

5. Whether there is consent to the motion.

Counsel for Defendants previously conferred with counsel for Plaintiffs regarding consent to the sealing of the materials included in this motion, and Plaintiffs do not consent to the relief requested in this motion.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court grant their request for leave to maintain under seal the materials filed at [D.E. 351, 352, 353, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 371, 372, 373, 374, 375, 376, 377, 379, 381, 383, 385, 386, 387, 388, 389, 390, 453, 456], and provide Defendants such other and further relief as the Court deems just and proper.

Date: February 28, 2025

Respectfully submitted,

/s/ Thomas H. Segars

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EXHIBIT A

Exhibit A

JA Page Range		Justification for Sealing
JA 00001	JA 00004	This document is a communication between DuPont and 3M concerning a joint effort to undertake research into toxicological data regarding certain chemical compounds. The document was produced in at least two separate cases before being produced in this case. It was designated by a party as "confidential" in one of those cases and as "highly confidential" in the other. A legend indicates that it is subject to a protective order in these two separate caes.
JA 00011	JA 00049	This document is an internal 2011 DuPont document that discusses PFOA and strategies for responding to issues (including litigation, product safety, environmental, and human health questions) concerning PFOA. It was designed to be a confidential internal document and was legended as such--"Not for distribution outside of DuPont." It was designed to communicate knowledge about these subjects within the company. There is no indication that it has, in fact, been distributed outside of the company except in its production through litigation. It also has been produced in at least one other litigation matter, at which time it was designated as confidential pursuant to a protective order in the other case.
JA 00070	JA 00076	This document is an internal 2011 DuPont document that discusses PFOA and strategies for responding to issues concerning PFOA. It was designed to be a confidential internal document and was legended as such--"DuPont Confidential - Internal Use Only." It was designed to communicate knowledge about these subjects within the company. There is no indication that it has, in fact, been distributed outside of the company except in its production through litigation. It also has been produced in at least one other litigation matter, at which time it was designated as confidential pursuant to a protective order in the other case.

JA Page Range		Justification for Sealing
JA 00077	JA 00296	This is the transcript of a 2002 deposition of DuPont's then-Vice President and General Manager of its Fluoroproducts Business Unit. In the deposition, he provides testimony about non-public aspects of DuPont's processes and operations at Washington Works in Parkersburg, West Virginia, and at DuPont's Haskill Labs. He also provides unaudited and estimated non-public information about DuPont financial matters and non-public information about the process of preparing DuPont's SEC filings. He provides testimony about non-public information about DuPont's strategic business decisions concerning C-8, investigations into the nature of C-8, and strategies for environmental protection related to the use of C-8. He also testifies about non-public information about DuPont's plans at the time to produce C-8, including processes and anticipated volumes. All of this information, if made public, could result in competitive harm to Defendants. It also has been produced in at least one other litigation matter, at which time it was designated as confidential pursuant to a protective order in the other case.
JA 00297	JA 00317	This document appears to be an internal DuPont document concerning a plan for evaluating C-8. The document appears to be non-public, and it contains information about DuPont's businesses that used C-8, business opportunities and strategies, non-public financial analyses, product process characteristics and needs, details about chemical product manufacturing processes, abilities to obtain inputs needed for products from alternativesources, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 00382	JA 00783	<p>This is the transcript of a 2007 deposition of DuPont's then-Vice President of Public Affairs. In her testimony, the witness provided non-public strategic information about DuPont's global employee communications, external communications, interface with public media, and crisis management communications planning. The witness also provided non-public information about confidential settlement matters. The transcript includes recitation of confidential internal emails and transcripts from other depositions. The witness provided non-public information about communications strategy for DuPont's corporate remediation group and testified about the editing process associated with specific news releases and media reports. This is information that DuPont intended to, and did, maintain as confidential. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged outside of DuPont, apart from discovery in litigation. The document has been produced on at least one prior occasion in separate litigation at which time it was designated as "highly confidential" and subject to a protective order in the other case.</p>
JA 00803	JA 00841	<p>This document contains a Chemours Presentation that discusses non-public, sensitive business information of Defendants, including Defendants' strategies, objectives, and priorities, assessments of business operations and abatement technologies, and similar subjects, which was designated as Highly Confidential pursuant to the terms of the Stipulation and Order. This Court already sealed this document, applying the common-law presumption, by Order dated May 7, 2024. [D.E. 294 at 4-5]. Although the Court applied the common-law presumption rather than the First Amendment standard, the Court did find that the "interests in maintaining the confidential nature of the documents heavily outweighs the public's interest in having access to these documents." [D.E. 294 at 5]. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations "heavily outweigh" the public interest in access, this document should be sealed under the First Amendment standard, as well.</p>

JA Page Range		Justification for Sealing
JA 00847	JA 00906	This document is an internal DuPont communication, which was intended to remain internal, as evidenced by its "DuPont Confidential" legend. There is no reason to believe that it was not kept confidential until it was produced in litigation. It memorializes a plan for developing an alternative to C-8. It includes non-public business opportunities and strategies, manufacturing processes, and financial projections, among other things. It is the sort of information that, if made public, could put Defendants at a competitive disadvantage.
JA 00907	JA 00912	This document is an internal DuPont communication, which was intended to remain internal, as evidenced by its "Personal and Confidential" legend. There is no reason to believe that it was not kept confidential until it was produced in litigation. It discusses a confidential chemical manufacturing process at DuPont's Washington Works facility, specifically the scrubbing of fine powder dryer exhausts, and how those affect AELs related to C-8. It is the sort of information that, if made public, could cause competitive harm to Defendants.
JA 00913	JA 00915	This document is an internal DuPont communication, which was intended to remain internal, as evidenced by its "Personal and Confidential" legend. There is no reason to believe that it was not kept confidential until it was produced in litigation. It discusses a confidential chemical manufacturing process at DuPont's Washington Works facility, specifically the scrubbing of fine powder dryer exhausts, and how those affect AELs related to C-8. It is the sort of information that, if made public, could cause competitive harm to Defendants.
JA 00916	JA 00918	This document is an internal DuPont communication, which was intended to remain internal, as evidenced by its "Confidential" legend. There is no reason to believe that it was not kept confidential until it was produced in litigation. It discusses a non-public evaluation of whether DuPont would purchase certain real property assets near DuPont's Washington Works facility, including an evaluation of the effect of doing so on environmental-related matters. It is the sort of information that, if made public, could cause competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 00925	JA 00926	This is an internal DuPont email exchange concerning a preliminary evaluation of a publication about the presence of PFCs in the Cape Fear River and strategizing the company's response to the same. This appears to have been intended to remain confidential and internal. There is no reason to believe that it was made public prior to being produced in litigation. Because it is a preliminary analysis not intended for publication, it could cause competitive harm to Defendants if it were allowed to be made public.
JA 00928	JA 00928	This is an email concerning a DuPont reference to SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound) communications and goal setting. The communication and DuPont's use of SMART principles was intended to be internal and confidential. There is no evidence that it has been publicized apart from productions in litigation. This Court has sealed other documents that concern this topic, albeit under the common-law standard. [D.E. 294 at 6-8 (sealing, among other things, D.E. 186-3)]. As the Court reasoned there, documents on this subject are internal and confidential business information. Because revealing them could damage Defendants, they would be properly sealed under the First Amendment standard, too.
JA 00929	JA 01170	This is a folder that contains a sign-in sheet, agenda, and PowerPoint presentation from a meeting between DuPont, West Virginia regulators, and the EPA. It also includes an EPA consent order and news releases concerning that consent order, court transcripts, and copies of caselaw. These portions of the document are not confidential or subject to sealing. The file does, however, contain printouts of internal DuPont emails about these subjects and related remediation efforts. Those are non-public and confidential and should be sealed to prevent harm to Defendants. Unless and until the document can be broken apart with the confidential portions deemed confidential, Defendants respectfully request that it be sealed in its entirety. Moreover, this document contains attorney-client privileged communication that Defendants' have clawed back pursuant to the Stipulation and Order.

JA Page Range		Justification for Sealing
JA 01171	JA 01192	This is an internal DuPont document that discusses potential replacement surfactants for C-8. As such, it contains non-public details about DuPont's chemical manufacturing processes, the needs and characteristics of those processes, and analyses of changes to those processes. This is competitively sensitive information that, if made public, could cause competitive harm to Defendants.
JA 01195	JA 01210	This document outlines the process used by DuPont to perform product stewardship reviews. It was intended to be an internal document as evidenced by the legend "This document may be used and reproduced for DuPont business only." Defendants are aware of no evidence that the document was not, in fact, kept internal except for when produced in connection with litigation. The document outlines a process by which risk assessment and risk management processes are implemented for products and product lines and opportunities for continuous improvement are identified. The scope of the product stewardship process is far greater than the issues involved in this case. It addresses all many of process risks, risk mitigations, and continuous improvement planning--including those that address product use and other matters about products after provided to customers. As such, this is the sort of competitively sensitive information that could cause harm to Defendants if it were revealed publicly.
JA 01211	JA 01241	See the explanation for the document labeled JA1195-JA1210 described above, which is incorporated by reference here.
JA 01245	JA 01248	This is an internal DuPont email exchange concerning a discussion among producers and users of C-8. It reflects DuPont's internal takeaways from that discussion and related strategic planning about products made with C-8. Accordingly, it is the sort of information that could cause competitive harm to Defendants if made public.
JA 01249	JA 01256	This is an attorney-client privileged memorandum that Defendants have clawed back pursuant to the Stipulation and Order.

JA Page Range		Justification for Sealing
JA 01935	JA 01964	This is a letter from Chemours' counsel to the EPA sent under the Toxic Substances Control Act, 15 U.S.C. 2601, et seq. The entire submission was designated as "Confidential Business Information" protected by 15 U.S.C. 2613. Because it is Business Confidential Information protected by that statute and because the revelation of its contents publicly could harm Defendants' competitive position, sealing is appropriate.
JA 01965	JA 01971	This is a letter from Chemours to the EPA sent under the Toxic Substances Control Act, 15 U.S.C. 2601, et seq. The submission was designated as "Confidential Business Information" protected by 15 U.S.C. 2613. Because it is Business Confidential Information protected by that statute and because the revelation of its contents publicly could harm Defendants' competitive position, sealing is appropriate.
JA 01972	JA 02037	This document contains information exchanged between Chemours and EPA under TSCA. It appears to contain Confidential Business Information as that term is used under the statute because it includes details about Chemours's chemical manufacturing processes. Accordingly, thi document appears to include information that, if made public, could result in competitive harm to Defendants.
JA 02269	JA 02274	This is an internal DuPont communication that reveals details about the process used to develop chemical products at the Vinyl Ethers South and Vinyl Ethers North portions of Fayetteville Works. This information is non-public. Defendants could suffer competitive harm if a competitor were to obtain this information about the way these processes are designed and operate.
JA 04242	JA 04243	This is an internal, non-public email exchange among Chemours employees including toxicologists regarding findings of toxicological studes regarding PFOA and "GenX."

JA Page Range		Justification for Sealing
JA 04244	JA 04255	This is an internal DuPont presentation concerning DuPont's Fluoropolymer Businesses. It bears the legend "DuPont Confidential" (indicating that it was intended to be a non-public document, and there is no evidence that it was, in fact, divulged outside of Dupont except for litigation. It contains competitively sensitive information about his business line including details about market share, target markets, applications for technologies, strategies for gaining business and detailed challenges presented to growing business. This information, if permitted to be publicly available, could put Defendants at an unfair disadvantage vis a vis competitors.
JA 04290	JA 04290	This is a Chemours email exchange among Chemours employees and an employee of Chemour's consultant Parsons concerning a preliminary plan for responding to questions about PFAS impacts on the Cape Fear River made by the State of North Carolina. This appears to have been intended to remain confidential and internal. There is no reason to believe that it was made public prior to being produced in litigation. Because it is a preliminary analysis not intended for publication, it could cause competitive harm to Defendants if it were allowed to be made public.
JA 04291	JA 04291	This is an internal Chemours email exchange concerning a preliminary evaluation of a publication about the presence of C-3 Dimer Acid in the Cape Fear River and strategizing the company's response to the same. This appears to have been intended to remain confidential and internal. There is no reason to believe that it was made public prior to being produced in litigation. Because it is a preliminary analysis not intended for publication, it could cause competitive harm to Defendants if it were allowed to be made public.

JA Page Range		Justification for Sealing
JA 04292	JA 04292	This is an attachment to an internal Chemours email exchange concerning a preliminary evaluation of a publication about the presence of C-3 Dimer Acid in the Cape Fear River and strategizing the company's response to the same. This appears to have been intended to remain confidential and internal. There is no reason to believe that it was made public prior to being produced in litigation. Because it is a preliminary analysis not intended for publication, it could cause competitive harm to Defendants if it were allowed to be made public.
JA 04293	JA 04296	This is an attachment to an internal Chemours email exchange concerning a preliminary evaluation of a publication about the presence of C-3 Dimer Acid in the Cape Fear River and strategizing the company's response to the same. This appears to have been intended to remain confidential and internal. There is no reason to believe that it was made public prior to being produced in litigation. Because it is a preliminary analysis not intended for publication, it could cause competitive harm to Defendants if it were allowed to be made public.

JA Page Range		Justification for Sealing
JA 04304	JA 04309	<p>This is an internal Chemours document including internal DuPont documents, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours or DuPont, as applicable and only produced in litigation discovery. It concerns company initiatives to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours's and before that DuPont's sustainability objectives. In addressing these matters, documents associated with these projects discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiatives could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiatives also discuss non-public financial considerations. It is information that would put Defendants at a competitive disadvantage if it were allowed to become public. This Court already sealed some documents related to one of these initiatives [e.g., D.E. 242-4, 242-26, 242-28, 242-29], applying the common-law presumption, by Order dated May 7, 2024. [D.E. 294 at 4-5]. Although the Court applied the common-law presumption rather than the First Amendment standard, the Court did find that the “interests in maintaining the confidential nature of the documents heavily outweighs the public’s interest in having access to these documents.” [D.E. 294 at 5]. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations “heavily outweigh” the public interest in access, other documents related to the same initiative should be sealed under the First Amendment standard, as well.</p>
JA 04310	JA 04336	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04355	JA 04389	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.

JA Page Range		Justification for Sealing
JA 04390	JA 04413	This document is a hardcopy file that includes non-public data and analyses of production activities at Fayetteville Works. It reveals details about the chemical manufacturing processes at Fayetteville Works, including the stages of those processes, inputs to those processes, and outputs from those processes. Accordingly, this is the sort of competitively sensitive material that could harm Defendants if it became public.
JA 04414	JA 04418	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04419	JA 04430	See the explanations for the documents labeled JA4304-JA4309 described above and JA04487-JA04498 described below, which are incorporated by reference here.
JA 04431	JA 04433	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04434	JA 04436	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04439	JA 04444	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04445	JA 04449	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04451	JA 04452	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.

JA Page Range		Justification for Sealing
JA 04453	JA 04453	This email discusses the internal work of Chemours and DuPont on improving wastewater management at its fluoropolymer facilities in multiple different countries. It transmits a document that discusses non-public information about the current state of wastewater discharge, emissions, options and strategies for improving those discharges and emissions, analysis of those options including their implementation within existing processes, discussing of the confidential processes by which chemical products are made (including detailed flow diagrams with information about production stages, inputs, and outputs). All of this information is competitively sensitive and would put Defendants at a competitive disadvantage if it were to become public.
JA 04454	JA 04486	This document discusses the internal work of Chemours and DuPont on improving wastewater management at its fluoropolymer facilities in multiple different countries. In doing so it discusses non-public information about the current state of wastewater discharges and emissions, options and strategies for improving those discharges and emissions, analysis of those options including their implementation within existing processes, discussing of the confidential processes by which chemical products are made (including detailed flow diagrams with information about production stages, inputs, and outputs). All of this information is competitively sensitive and would put Defendants at a competitive disadvantage if it were to become public.
JA 04487	JA 04498	This is an internal Chemours document, intended to be non-public, branded "Chemours Confidential," and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It discusses an initiative for improving confidential chemical product manufacturing processes by, among other things, recycling fluorine-containing byproducts at Fayetteville Works. It discusses in detail chemical product manufacturing processes (including with detailed flow diagrams that show inputs and outputs). It also contains confidential information about production capacities and anticipated changes to processes being contemplated. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.

JA Page Range		Justification for Sealing
JA 04499	JA 04499	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04500	JA 04501	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04509	JA 04509	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04510	JA 04510	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04511	JA 04523	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04524	JA 04524	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04525	JA 04542	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04544	JA 04544	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04545	JA 04567	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here. Additionally, this document was previously sealed by the Court in the case styled <i>Victoria Carey, et al., v. The Cemours Company FC, LLC, et al.</i> , No. 17-CV-189 at D.E. 515 (E.D.N.C. Aug. 26, 2024). In that case, the Court sealed the document under the common-law standard. The same reasons that supported sealing in that instance, though, also support sealing here under the First Amendment standard for the reasons discussed above and in the supporting declaration being submitted with this.
JA 04569	JA 04576	See the explanations for the documents labeled JA4304-JA4309 and JA04487-JA04498 described above, which are incorporated by reference here.
JA 04577	JA 04577	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.

JA Page Range		Justification for Sealing
JA 04578	JA 04587	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04588	JA 04588	See the explanations for the documents labeled JA4304-JA4309 and JA04569-JA04576 described above, which are incorporated by reference here.
JA 04589	JA 04589	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04590	JA 04601	See the explanations for the documents labeled JA4304-JA4309 and JA04487-JA04498 described above, which are incorporated by reference here.
JA 04602	JA 04602	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 04604	JA 04611	See the explanations for the documents labeled JA4304-JA4309 and JA04487-JA04498 described above, which are incorporated by reference here.
JA 04612	JA 04619	This document is a hardcopy file that includes non-public data and analyses of production activities at Fayetteville Works. It reveals details about the chemical manufacturing processes at Fayetteville Works, including the stages of those processes, inputs to those processes, and outputs from those processes. Accordingly, this is the sort of competitively sensitive material that could harm Defendants if it became public.
JA 04620	JA 04677	This is a letter from DuPont to the EPA sent under the Toxic Substances Control Act, 15 U.S.C. 2601, et seq. The submission was designated as "Confidential Business Information" protected by 15 U.S.C. 2613. Because it is Business Confidential Information protected by that statute and because the revelation of its contents publicly could harm Defendants' competitive position, sealing is appropriate.
JA 04678	JA 04678	This document appears to be a non-final assessment of scientific paper regarding the presence of C-3 dimer acid in the Cape Fear River. Because it is not clear that this document is a final version, the analysis would not be appropriate to make public as it would constitute Defendants' interim work product.

JA Page Range		Justification for Sealing
JA 04688	JA 04705	This document appears to be an internal DuPont PowerPoint presentation. It includes details about the operations, including chemical manufacturing processes at Fayetteville Works. It includes flow diagrams that depict the processes and describe the different stages of production. It also includes ideas for improving these processes. As such, this is competitively sensitive information that could harm Defendants if it were to be made public.
JA 04706	JA 04706	This document appears to be an internal Chemours timeline of events relevant to the production of GenX products and the investigation of PFAS in the environment. It does not appear that this was intended for distribution outside of Chemours, as the timeline discusses business strategic objectives concerning these subjects that generally would not be public. As such, this is a document that, if made public, might cause harm to Defendants' competitive position.
JA 04812	JA 04883	This document is a 2009 United States Environmental Protection Agency Consent Order and Determination Supporting Consent Order that reveals confidential, non-public business information of Defendants, which were designated as Highly Confidential pursuant to the terms of the Stipulation and Order. It also contains and discusses Confidential Business Information protected by Section 14 of the Toxic Substances Control Act, 15 U.S.C. § 2615, as discussed in 40 C.F.R. Part 2, Subpart B. This Court already sealed this document, applying the common-law presumption, by Order dated May 7, 2024. [D.E. 294 at 4-5]. Although the Court applied the common-law presumption rather than the First Amendment standard, the Court did find that the “interests in maintaining the confidential nature of the documents heavily outweighs the public’s interest in having access to these documents.” [D.E. 294 at 5]. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations “heavily outweigh” the public interest in access, this document should be sealed under the First Amendment standard, as well.

JA Page Range		Justification for Sealing
JA 05670	JA 05679	This is an internal preliminary assessment of an academic study on the presence of fluorocarbons in the Cape Fear River. Because it does not appear to be a final analysis, it was not intended for distribution outside of Chemours.
JA 05680	JA 05681	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 05683	JA 05685	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It concerns a company initiative to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours' sustainability objectives. In addressing these matters, documents associated with this project discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiative could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiative also discuss non-public financial considerations. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.

JA Page Range		Justification for Sealing
JA 05686	JA 05686	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It concerns a company initiative to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours' sustainability objectives. In addressing these matters, documents associated with this project discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiative could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiative also discuss non-public financial considerations. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.
JA 05688	JA 05688	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 05713	JA 05715	This is an internal preliminary assessment of an academic study on the presence of fluorocarbons in the Cape Fear Rvier. Because it does not appear to be a final analysis, it was not intended for distribution outside of Chemours.
JA 05716	JA 05717	This is an internal preliminary assessment of an academic study on the presence of fluorocarbons in the Cape Fear Rvier. Because it does not appear to be a final analysis, it was not intended for distribution outside of Chemours.

JA Page Range		Justification for Sealing
JA 05749	JA 05751	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. This email discusses detailed financial information of the company relative to incentive compensation plan payouts. The public has little interest in knowing this information, given that it is largely irrelevant to this case (particularly the motion for summary judgment), and disclosing it would reveal confidential and sensitive financial information about Chemours and its compensation information, which allows it to compete in the marketplace for talented employees.
JA 05752	JA 05753	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 05754	JA 05756	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here. Moreover, this email discusses detailed business strategies related to the potential manufacture and sale of new products at Fayetteville Works site. The public has little interest in this information, given that it is immaterial to this case (particularly the motion for summary judgment) given that these new potential products are not at issue in this case, and revealing it could cause Chemours competitive harm by disclosing its product strategies.
JA 05937	JA 05938	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. This email discusses detailed business strategies related to the potential manufacture and sale of new products at Fayetteville Works site. The public has little interest in this information, given that it is immaterial to this case (particularly the motion for summary judgment) given that these new potential products are not at issue in this case, and revealing it could cause Chemours competitive harm by disclosing its product strategies.

JA Page Range		Justification for Sealing
JA 05939	JA 05939	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. This email discusses detailed business strategies related to the potential manufacture and sale of new products at Fayetteville Works site. The public has little interest in this information, given that it is immaterial to this case (particularly the motion for summary judgment) given that these new potential products are not at issue in this case, and revealing it could cause Chemours competitive harm by disclosing its product strategies.
JA 05941	JA 05942	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here. This email specifically references proposed technical changes to chemical manufacturing processes, which are highly confidential, proprietary, and competitively sensitive issues. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), and revealing it could cause Chemours competitive harm by revealing its manufacturing processes and strategies, thereby allowing Chemours's competitors to gain access to this information and short-circuit their own investment in their R&D efforts in order to compete with Chemours.
JA 05954	JA 05955	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here. This email specifically references proposed technical changes to chemical manufacturing processes, which are highly confidential, proprietary, and competitively sensitive issues. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), and revealing it could cause Chemours competitive harm by revealing its manufacturing processes and strategies.

JA Page Range		Justification for Sealing
JA 05957	JA 05963	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. These messages specifically reference chemical processes at Fayetteville Works site, which are highly confidential, proprietary, and competitively sensitive issues. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), and revealing it could cause Chemours competitive harm by revealing its manufacturing processes and strategies.
JA 05985	JA 05991	This is an internal DuPont document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. This document contains detailed information regarding the performance of a DuPont employee in the context of considering that employee for a promotion. This document also includes detailed financial and technical information regarding projects in which this employee was primarily involved, including financial projections regarding potential commercialization of proprietary products/technologies. It also contains discussions of interactions and collaborations between DuPont and its customers. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), which contains not only incredibly detailed discussions of an individual employee's job performance but also detailed commercial and financial information proprietary to DuPont. Revealing this information would be an invasion of this employee's privacy and would also cause competitive harm to DuPont and/or Chemours.

JA Page Range		Justification for Sealing
JA 05992	JA 06030	This is a highly sensitive document for a presentation between DuPont and one its customers. It was marked as confidential at the time it was generated, reflecting that it was intended to be kept confidential. There is no indication that it was not, in fact, kept confidential as between DuPont and its customer and was only produced in litigation discovery. This document identifies detailed qualities and technical information regarding applying Teflon(R), as well as performance details and testing methods and results for different types of Teflon(R) products. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), which contains also detailed commercial and technical information proprietary to DuPont. Revealing this information could cause competitive harm to DuPont and/or Chemours.
JA 06031	JA 06034	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. This email and its attachment reference detailed and proprietary emissions controls procedures and projections of emissions from those systems on a compound-by-compound basis. This is information that, if released, could be used by Chemours's competitors to cause Chemours competitive harm by gaining an edge in learning the efficiency of Chemours's emissions-control technology and using the benefits of Chemours's R&D efforts to unfairly reduce their cost in employing the same technology. The interest in protecting this information outweighs the public's interest in reviewing it, particularly given the technical detail of the information.

JA Page Range		Justification for Sealing
JA 06049	JA 06050	This is an internal DuPont document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It discusses the drafting of a pre-manufacturing notice to be sent to the EPA and strategies related to the same. This is highly confidential information that reflects DuPont's strategy with respect to regulatory affairs and, if released, could cause DuPont competitive harm by revealing that strategy. The interest in protecting this information outweighs the public's interest in reviewing it, particularly given the technical detail of the information, which is of little interest to the public.
JA 06051	JA 06054	This is an internal DuPont document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. It discusses the drafting of a pre-manufacturing notice to be sent to the EPA and strategies related to the same. This is highly confidential information that reflects DuPont's strategy with respect to regulatory affairs and, if released, could cause DuPont competitive harm by revealing that strategy. The interest in protecting this information outweighs the public's interest in reviewing it, particularly given the technical detail of the information.
JA 06055	JA 06055	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 06056	JA 06057	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.

JA Page Range		Justification for Sealing
JA 06058	JA 06059	This is an internal DuPont document, intended to be non-public (as it was marked confidential by DuPont at the time it was created), and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. This document discusses detailed information regarding DuPont's proprietary processes for manufacturing chemicals, as well as research and development efforts (and the results of those efforts) into alternatives for the manufacturing process. This is highly competitively sensitive information that, if disclosed to DuPont's and/or Chemours's competitors, would give them detailed insights into the lengthy R&D process that DuPont employed to improve its manufacturing processes. The public has little interest in this information, which contains highly confidential and proprietary business information of a technical nature, and release of this information would harm DuPont/Chemours from a competitive standpoint.
JA 06060	JA 06081	This is an internal DuPont document, intended to be non-public (as it was marked confidential by DuPont at the time it was created), and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. This document discusses detailed information regarding DuPont's proprietary processes for manufacturing chemicals, as well as research and development efforts (and the results of those efforts) into alternatives for the manufacturing process. This is highly competitively sensitive information that, if disclosed to DuPont's and/or Chemours's competitors, would give them detailed insights into the lengthy R&D process that DuPont employed to improve its manufacturing processes. The public has little interest in this information, which contains highly confidential and proprietary business information that would harm DuPont/Chemours if publicly released.

JA Page Range		Justification for Sealing
JA 06194	JA 06195	This is an internal DuPont document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. This email specifically references chemical processes at Fayetteville Works site, which are highly confidential, proprietary, and competitively sensitive issues. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), and revealing it could cause Chemours competitive harm by revealing its manufacturing processes and strategies.
JA 06196	JA 06209	This is an internal DuPont document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. This document specifically references chemical processes at Fayetteville Works site, which are highly confidential, proprietary, and competitively sensitive issues. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), and revealing it could cause Chemours competitive harm by revealing its manufacturing processes and strategies.

JA Page Range		Justification for Sealing
JA 06274	JA 06276	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. This document specifically references chemical processes at a Chemours manufacturing facility in China site, which are highly confidential, proprietary, and competitively sensitive issues. The public has little interest in this information, given that it is largely immaterial to this case (particularly the motion for summary judgment), and revealing it could cause Chemours competitive harm by revealing its manufacturing processes and strategies. Additionally, this document was previously filed at D.E. 186-3 sealed by the Court at D.E. 294. There, the Court sealed the document under the common-law standard noting that it contained confidential business information. The same reasons that supported sealing in that instance, though, also support sealing here under the First Amendment standard for the reasons discussed above and in the supporting declaration being submitted with this Motion.
JA 06647	JA 06656	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 06741	JA 06748	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here.
JA 07056	JA 07128	See the explanation for the document labeled JA4812-JA4887 described above, which is incorporated by reference here.

JA Page Range		Justification for Sealing
JA 07358	JA 07380	This is an internal Chemours document, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. It contains financial data and detailed projections regarding sales, production costs, operating costs, profits, operating profits, capital expenditures, and other similar information. It is marked as being for internal use only at DuPont. This information is not broken down on a site-specific basis (e.g., it says nothing about Fayetteville Works specifically), so it is immaterial to this case (particularly the motion for summary judgment), and the public has little interest in reviewing the information, particularly when compared to the competitive harm that Chemours could face if the information is revealed.
JA 07582	JA 07597	See the explanation for the document labeled JA4812-JA4887 described above, which is incorporated by reference here. More specifically, these are PowerPoint slides from a presentation to the EPA during the process of negotiating the 2009 TSCA consent order. The presentation contains numerous items of confidential business information protected from disclosure by federal law, as discussed in the explanation for the document labeled JA4812-JA4887.

JA Page Range		Justification for Sealing
JA 07617	JA 07660	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here. More specifically, this is a PowerPoint slide deck prepared for a presentation that Chemours gave to the North Carolina Department of Environmental Quality in the course of settlement negotiations for regulatory litigation, and is marked as confidential and protected by Rule of Evidence 408. The slides provide a "detailed technology update" regarding development of new emissions controls measures at the Fayetteville Works site and contains manufacturing processes in detailed schematics. Technical details regarding Chemours' research and development efforts, including detailed testing results and methods developed generated during development of state-of-the-art emissions controls devices. It also contains detailed project designs and engineering drawings for the thermal oxidizer. These materials are highly confidential and proprietary, and public disclosure could cause Chemours to suffer significant competitive harm by allowing its competitors to look at detailed R&D information and technical information related to manufacturing processes and emissions controls. The public has little interest in this information given its highly technical nature, and revealing it publicly could cause Chemours substantial harm in the competitive marketplace.
JA 07741	JA 07776	This is an internal DuPont document, intended to be non-public as evidenced by its legend marking it "for internal use only," and there is no indication that it was not, in fact, kept confidential at DuPont and only produced in litigation discovery. This document contains detailed internal processes that DuPont uses for its product stewardship review process, which it relies upon for product management purposes and risk assessment. Revealing this information publicly could cause DuPont competitive harm, as it would disclose to its competitors the rigorous and detailed steps that DuPont undertakes during this process, including identifying third parties that DuPont engages in the process. The public has little interest in this document, which is largely immaterial to the case (in particular the motion for summary judgment), and disclosure of it would cause competitive harm to DuPont.

JA Page Range		Justification for Sealing
JA 07782	JA 07837	See the explanation for the document labeled JA4304-JA4309 described above, which is incorporated by reference here. This document specifically includes detailed financial information and research-and-development plans and efforts regarding the exploration of various state-of-the-art emissions controls devices at Chemours facilities across the globe. There are also detailed financial projects about markets for specific Chemours products in specific markets in light of forecasted economic and regulatory conditions, as well as highly confidential business strategies about how the company can evolve and pursue new strategies for sales of its products. The public has little interest in this information, particularly when balanced against the competitive harm that Chemours could face if the detailed technological information and business plans in these documents is released publicly.
JA 07844	JA 07848	This document is 2015 Notice of Transfer submitted to the U.S. EPA regarding commenced premanufacturer notices and a consent order pursuant to Section 14 of the Toxic Substances Control Act, 15 U.S.C. § 2615. The Notice of Transfer is from DuPont's corporate counsel and it indicates that the "entire document is confidential business information." As self-described, the document reveals confidential, non-public business information of Defendants, which were designated as Confidential pursuant to the terms of the Stipulation and Order. It also contains and discusses Confidential Business Information protected by the TSCA. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations "heavily outweigh" the public interest in access, this document should be sealed under the First Amendment standard.

JA Page Range		Justification for Sealing
JA 07856	JA 07864	<p>This is an internal Chemours document, marked "Chemours Confidential," intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It concerns a company initiative to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours' sustainability objectives. In addressing these matters, documents associated with this project discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiative could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiative also discuss non-public financial considerations. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.</p>
JA 08472	JA 08476	<p>This document is a 2008 letter from Defendants to the United States Environmental Protection Agency regarding Premanufacturer Notices. It reveals confidential, non-public business information of Defendants, which were designated as Confidential pursuant to the terms of the Stipulation and Order. It also contains and discusses Confidential Business Information protected by Section 14 of the Toxic Substances Control Act, 15 U.S.C. § 2615, as discussed in 40 C.F.R. Part 2, Subpart B. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations "heavily outweigh" the public interest in access, this document should be sealed under the First Amendment standard.</p>

JA Page Range		Justification for Sealing
JA 09493	JA 09494	This document is a 2008 letter from Defendants to the United States Environmental Protection Agency regarding Premanufacturer Notices. It reveals confidential, non-public business information of Defendants, which were designated as Highly Confidential pursuant to the terms of the Stipulation and Order. It also contains and discusses Confidential Business Information protected by Section 14 of the Toxic Substances Control Act, 15 U.S.C. § 2615, as discussed in 40 C.F.R. Part 2, Subpart B. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations “heavily outweigh” the public interest in access, this document should be sealed under the First Amendment standard.
JA 09495	JA 09495	This is an internal document of Defendants, intended to be non-public, which was designated as Highly Confidential pursuant to the terms of the Stipulation and Order, and there is no indication that it was not, in fact, kept confidential by Defendants and only produced in litigation discovery. It discusses an initiative for improving confidential chemical product manufacturing processes and describes strategies associated with Premanufacture Notices to be submitted confidentially to the US EPA. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.
JA 09496	JA 09509	This is a draft version of confidential talking points with respect to Defendants' media relations. It is intended to be non-public, was designated as Highly Confidential pursuant to the terms of the Stipulation and Order, and there is no indication that it was not, in fact, kept confidential by Defendants and only produced in litigation discovery. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.

JA Page Range		Justification for Sealing
JA 09525	JA 09556	This document appears to be an internal DuPont document concerning a plan for evaluating C-8. The document appears to be non-public, and it contains information about DuPont's businesses that used C-8, business opportunities and strategies, non-public financial analyses, product process characteristics and needs, details about chemical product manufacturing processes, abilities to obtain inputs needed for products from alternativesources, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.
JA 09558	JA 09558	This appears to be an email written by Defendants' prior in house counsel which discusses Defendants' legal strategies with respect to water contamination lawsuits. The document appears to be non-public, and it was designated as Highly Confidential pursuant to the terms of the Stipulation and Order. It contains information that, if made public, could result in competitive harm to Defendants.
JA 09561	JA 09574	This appears to be a case assessment written by Defendants' prior counsel which discusses Defendants' legal strategies with respect to a water contamination lawsuit. The document is redacted for privileged material, but the remaining content appears to be non-public, and it was designated as Highly Confidential pursuant to the terms of the Stipulation and Order. It contains attorney work product information that, if made public, could result in competitive harm to Defendants.
JA 09582	JA 09583	This document appears to be an internal DuPont document concerning a plan for evaluating C-8 and developing alternative products and emmission control systems. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's businesses that used C-8, details about chemical product manufacturing processes, abilities to obtain inputs needed for products from alternativesources, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 09584	JA 09585	This document appears to be an internal DuPont document concerning a evaluation of its product waste disposal systems involving Teflon. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's businesses that used C-8, details about chemical product manufacturing processes, abilities to obtain inputs needed for products from alternativesources, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.
JA 09586	JA 09587	This document appears to be an internal DuPont document concerning exposure assesments of its products and constituent components. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's business operations for producing Teflon, details about chemical product manufacturing processes, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.
JA 09588	JA 09589	This document appears to be an internal DuPont communication concerning Defendants' media relations strategy decisions involving the topic of 3M's discontinuation of PFOA. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's business operations, and other information about the confidential strategies of DuPont. This information, if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 09590	JA 09591	This document appears to be an internal DuPont communication concerning exposure assessments and toxicity studies conducted by the International Research and Development Corporation of its products and constituent components. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's toxicology and industrial medicine discussions, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.
JA 09592	JA 09593	This document appears to be an internal DuPont communication concerning exposure assessments and toxicity data, and determinations about potential reportable information. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's toxicology and industrial medicine discussions, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.
JA 09594	JA 09597	This document appears to be an internal DuPont document concerning a plan for evaluating AFPO and developing alternative products and emission control systems. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's businesses that used AFPO, details about chemical product manufacturing processes, abilities to obtain inputs needed for products from alternativesources, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 09598	JA 09615	This document appears to be an internal DuPont document concerning a plan for evaluating C-8 and developing alternative products and emission control systems. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's businesses that used C-8, details about chemical product manufacturing processes, abilities to obtain inputs needed for products from alternative sources, and other information about the confidential operations of DuPont. This information, if made public, could result in competitive harm to Defendants.
JA 09636	JA 09645	This document is a 2002 affidavit submitted by DuPont's Corporate Counsel in which DuPont's counsel describes DuPont's record retention policies and document collection efforts related to litigation. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 09646	JA 10012	This is the transcript of a 2014 deposition of DuPont's former Vice President of Public Affairs. In her testimony, the witness provided non-public strategic information about DuPont's global employee communications, external communications, interface with public media, and crisis management communications planning. The witness also provided non-public information about confidential settlement matters. The transcript includes recitation of confidential internal emails and transcripts from other depositions. The witness provided non-public information about communications strategy for DuPont's corporate remediation group and testified about the editing process associated with specific news releases and media reports. This is information that DuPont intended to, and did, maintain as confidential. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged outside of DuPont, apart from discovery in litigation. The document appears to be non-public and was designated Highly Confidential pursuant to the Stipulation and Order.

JA Page Range		Justification for Sealing
JA 10013	JA 10014	This appears an internal DuPont strategy document regarding management of it's litigation, and it includes attorney work product. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10015	JA 10145	This JA page range combined into one line item by Plaintiffs consists of many more documents than just "5/22/84 DuPont C-8 Meeting Summary." This document collection consists of internal communications, company financial projections, DuPont environmental assessment and toxicology research, research and development of alternative products, legal strategy, public media relations strateigs, and modifications to Defendants' processes. These documents appear to be non-public, were designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10147	JA 10166	This document contains minutes from an internal meeting of Defendants' at Washington Works during which the topic of environmental testing and abatement strategies and technologies were discussed. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10167	JA 10169	This document is an internal business communication related to environmental and toxicological hazard assesement by Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10170	JA 10188	This document is an internal business communication related to environmental and toxicological hazard assesement by Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 10189	JA 10193	This document is a collection of internal business communication related to environmental and toxicological hazard assesement and medical monitoring programs developed by Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10195	JA 10197	This document is a collection of internal business communication related to environmental and toxicological hazard assesement and medical monitoring programs developed by Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10198	JA 10199	This document is a collection of internal DuPont communication related to environmental and toxicological hazard assesement and developed by Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10200	JA 10202	This document is a collection of internal DuPont communication related to environmental and toxicological hazard assesement and developed by Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10228	JA 10233	This is an internal email communication chain of Defendants which contains descriptions of Defendants processes, proposed modifications to the processes, abatement strategies for byproducts of defendants processes, and other information about the confidential operations of Defendant. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 10240	JA 10245	This is an internal email communication chain of Defendants which contains descriptions of Defendants processes, proposed modifications to the processes, and other information about the confidential operations of Defendant. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10264	JA 10281	This document consists of flow charts outlining the industrial design of Defendant's manufacturing process and the chemicals and intermediaries involved in that process. Some or all of these charts depict confidential operations of Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10282	JA 10284	This is an internal communication document of Defendants regarding environmental assessment and measurements involving operations of Defendant. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10361	JA 10362	This is an internal communication of Defendants that contains a discussion about Defendants' processes, the intermediaries in those processes, environmental monitoring strategies employed by Defendants, and other confidential business information of Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 10500	JA 10514	This document appears to be an internal DuPont communication concerning Defendants' media relations strategy decisions involving the topic of PFOA. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it contains information about DuPont's business operations, and other information about the confidential strategies of DuPont. This information, if made public, could result in competitive harm to Defendants.

JA Page Range		Justification for Sealing
JA 10518	JA 10588	This document is a collection of internal business communication related to environmental and toxicological hazard assesement by Defendants concerning AFPO, including sampling methods analytical processes. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if made public, could result in competitive harm to Defendants.
JA 11092	JA 11124	This is an internal Chemours document, intended to be non-public, branded "Chemours Confidential," and there is no indication that it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It discusses initiatives and strategies for improving safety and complainece efficiencies of Defendants' confidential chemical product manufacturing processes and roles of individual employees. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and it is information that would put Chemours at a competitive disadvantage if it were allowed to become public.
JA 11159	JA 11201	This document discusses Defendants' operations systems and strategic decisions made by Defendants in response to requests by NCDEQ. In particular, this document describes modifications and design changes to Defendant's operations. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage.
JA 12748	JA 12892	This is an internal research and development document involving Defendant's detailed chemical analysis for alternative products and investigating alternative production methods. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.

JA Page Range		Justification for Sealing
JA 12893	JA 13059	This is an internal research and development document involving Defendant's detailed chemical analysis for alternative products and investigating alternative production methods. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 13076	JA 13230	This is a deposition transcript of Defendants' former employee in which the employee discusses details regarding involvement in confidential business and other matters not appropriate for public disclosure. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 13231	JA 13332	This is a deposition transcript of Defendants' designated Rule 30(b)(6) corporate representative in which Defendants' designee discusses Defendants' processes for creating chemical products, designs for improving the efficiency of those processes, byproducts and intermediaries of those processes, and strategic goals and direction concerning those matters. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.

JA Page Range		Justification for Sealing
JA 13333	JA 13411	<p>This is a deposition transcript of Defendants' designated Rule 30(b)(6) corporate representative in which Defendants' designee discusses Defendants' processes for creating chemical products, designs for improving the efficiency of those processes, byproducts and intermediaries of those processes, and strategic goals and direction concerning those matters. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation. Additionally, portions of this transcript previously were filed at D.E. 186-2 sealed by the Court at D.E. 294. There, the Court sealed the document under the common-law standard noting that it contained confidential business information. The same reasons that supported sealing in that instance, though, also support sealing here under the First Amendment standard for the reasons discussed above and in the supporting declaration being submitted with this Motion.</p>

JA Page Range		Justification for Sealing
JA 13412	JA 13522	<p>This is a deposition transcript of Defendants' designated Rule 30(b)(6) corporate representative in which Defendants' designee discusses Defendants' processes for creating chemical products, designs for improving the efficiency of those processes, byproducts and intermediaries of those processes, and strategic goals and direction concerning those matters. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation. Additionally, this transcript previously was filed at D.E. 128-22 in the case styled <i>James Dew, et al., v. E.I. Du Pont de Nemours & Co., et al.</i>, 18-cv-73 (E.D.N.C.) and sealed in that case by the Court at D.E. 146. There, Defendants asked the Court to seal the transcript for the same reasons they ask to have it sealed here: It contains confidential information. The Court sealed the document. Although the Court's Order did not specify the standard under which the transcript was sealed, it likely was the common-law standard because the filing was made in connection with a discovery motion. The same reasons that supported sealing in that instance, though, also support sealing here under the First Amendment standard for the reasons discussed above and in the supporting declaration being submitted with this Motion.</p>
JA 13523	JA 13681	<p>This is a deposition transcript of Defendants' designated Rule 30(b)(6) corporate representative in which Defendants' designee discusses Defendants' processes for creating chemical products, designs for improving the efficiency of those processes, byproducts and intermediaries of those processes, and strategic goals and direction concerning those matters. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.</p>

JA Page Range		Justification for Sealing
JA 13682	JA 13785	This is a deposition transcript of Defendants' designated Rule 30(b)(6) corporate representative in which Defendants' designee discusses Defendants' processes for creating chemical products, designs for improving the efficiency of those processes, byproducts and intermediaries of those processes, and strategic goals and direction concerning those matters. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 13786	JA 13942	This is a deposition transcript of a former employee of Defendants in which she discusses the contents of a document intended to be non-public, and there is no indication it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It concerns a company initiative to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours' sustainability objectives. In addressing these matters, documents associated with this project discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiative could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiative also discuss non-public financial considerations. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.

JA Page Range		Justification for Sealing
JA 13943	JA 13990	<p>This is a deposition transcript of a former employee of Defendants in which she discusses the contents of a document intended to be non-public, and there is no indication it was not, in fact, kept confidential at Chemours and only produced in litigation discovery. It concerns a company initiative to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours' sustainability objectives. In addressing these matters, documents associated with this project discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiative could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiative also discuss non-public financial considerations. It is information that would put Chemours at a competitive disadvantage if it were allowed to become public.</p>
JA 14105	JA 14216	<p>This is a deposition transcript of Defendant's employee in which the employee provides detailed information about Defendants' processes used to create chemical products, testing and evaluation of those processes, and the byproducts and intermediaries of those processes. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.</p>

JA Page Range		Justification for Sealing
JA 14217	JA 14313	This is a deposition transcript of Defendants' former employee in which the employee discusses the processes used to create chemical products, designs for improving the efficiency of those processes, sourcing of inputs to those processes, optimization of outputs of those processes, and internal communications of Defendants. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 14314	JA 14445	This is a deposition transcript of Defendants' former employee in which she describes her involvement in confidential business matters, including relating to confidential documents discussed here. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation. Additionally, portions of this transcript were previously filed at D.E. 193-2 and sealed by the Court at D.E. 294 on the ground that it contained confidential business information. The Court sealed the document under the common-law standard. The same reasons that supported sealing in that instance, though, also support sealing here under the First Amendment standard for the reasons discussed above and in the supporting declaration being submitted with this.
JA 14446	JA 14560	This is a deposition transcript of Defendants' former employee who testified about her involvement in Defendants' operations as an analytical chemist. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.

JA Page Range		Justification for Sealing
JA 14561	JA 14697	This is a deposition transcript of Defendants' former employee in which he describes Defendants' process for producing chemical products, testing and evaluation of those processes, the byproducts and intermediaries of those processes (including the potential use or treatment of those byproducts and intermediaries), and options for assessing and addressing the environmental impacts of those processes. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 14698	JA 14883	This is a deposition transcript of Defendants' designated Rule 30(b)(6) corporate representative in which Defendants' designee discusses Defendants' processes for creating chemical products, designs for improving the efficiency of those processes, byproducts and intermediaries of those processes, and strategic goals and direction concerning those matters. If publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation. Additionally, this transcript previously was filed at D.E. 128-23 in the case styled <i>James Dew, et al., v. E.I. Du Pont de Nemours & Co., et al.</i> , 18-cv-73 (E.D.N.C.) and sealed in that case by the Court at D.E. 146. There, Defendants asked the Court to seal the transcript for the same reasons they ask to have it sealed here: It contains confidential information. The Court sealed the document. Although the Court's Order did not specify the standard under which the transcript was sealed, it likely was the common-law standard because the filing was made in connection with a discovery motion. The same reasons that supported sealing in that instance, though, also support sealing here under the First Amendment standard for the reasons discussed above and in the supporting declaration being submitted with this Motion.

JA Page Range		Justification for Sealing
JA 19494	JA 19495	This is a list of chemical compounds associated with Fayetteville works production. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and public disclosure of this information could allow competitors to determine proprietary and sensitive information on Chemours' products.
JA 20072	JA 20072	This is an internal DuPont communication concerning options for assessing and addressing the environmental impacts of its processes. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 20073	JA 20074	This document describes Defendant's process used to create chemical products. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 20363	JA 20369	This internal email communication chain of Defendants includes a discussion about strategic marketing direction related to the environmental impacts of Defendants' processes. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 20730	JA 20737	This ia a draft internal presentation at DuPont in which exposure assessment and air sampling strategies at DuPont are discussed. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.

JA Page Range		Justification for Sealing
JA 20738	JA 20773	This is a DuPont powerpoint presentation regarding branding strategies. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 20774	JA 20863	This is an in depth internal DuPont Powerpoint communication regarding strategies for risk assessment, risk management, company practices, internal auditing procedures, and product stewardship. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and if publicly known, including by Defendants' competitors, it could be used to Defendants' disadvantage. There is not evidence that the subject matter of this testimony was divulged apart from discovery in litigation.
JA 20864	JA 20865	This is a list of chemical compounds associated with Fayetteville works production. The document appears to be non-public, was designated Highly Confidential pursuant to the Stipulation and Order, and public disclosure of this information could allow competitors to determine proprietary and sensitive information on Chemours' products.

JA Page Range		Justification for Sealing
JA 20866	JA 20884	<p>This is an internal Chemours document including internal DuPont documents, intended to be non-public, and there is no indication that it was not, in fact, kept confidential at Chemours or DuPont, as applicable and only produced in litigation discovery. It concerns company initiatives to investigate and analyze potential measures to improve emissions controls and otherwise reduce environmental impacts at Fayetteville Works as part of Chemours's and before that DuPont's sustainability objectives. In addressing these matters, documents associated with these projects discuss confidential chemical product manufacturing processes. Many include detailed flow diagrams that show the processes and/or how the alternatives analyzed by the initiatives could be implemented consistent with those processes. Many of these documents also discuss the impact (on productivity, production yield, and other similar metrics) of the alternatives considered, as well as potential synergies available with the implementation of the alternatives. Many documents related to the initiatives also discuss non-public financial considerations. It is information that would put Defendants at a competitive disadvantage if it were allowed to become public. This Court already sealed some documents related to one of these initiatives [e.g., D.E. 242-4, 242-26, 242-28, 242-29], applying the common-law presumption, by Order dated May 7, 2024. [D.E. 294 at 4-5]. Although the Court applied the common-law presumption rather than the First Amendment standard, the Court did find that the “interests in maintaining the confidential nature of the documents heavily outweighs the public’s interest in having access to these documents.” [D.E. 294 at 5]. Because this information, if revealed, could cause competitive harm to Defendants and because those considerations “heavily outweigh” the public interest in access, other documents related to the same initiative should be sealed under the First Amendment standard, as well.</p>