UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:20-cv-22471-DPG

NORTH AMERICAN SUGAR INDUSTRIES INC.,

Plaintiff,

v.

XINJIANG GOLDWIND SCIENCE & TECHNOLOGY CO., LTD., GOLDWIND INTERNATIONAL HOLDINGS (HK) LTD., DSV AIR & SEA INC., BBC CHARTERING USA, LLC, and BBC CHARTERING SINGAPORE PTE LTD.,

Defendants.

PLAINTIFF NORTH AMERICAN SUGAR INDUSTRIES INC.'S MOTION TO FILE UNDER SEAL ITS UNREDACTED OBJECTIONS TO MAGISTRATE JUDGE OTAZO-REYES'S REPORT AND RECOMMENDATION ON DEFENDANTS' MOTIONS TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Pursuant to Paragraph 12.3 of the Stipulated Confidentiality and Protective Order (the "Confidentiality Order"), Dkt. No. 88, Plaintiff North American Sugar Industries Inc. respectfully moves to file under seal its unredacted Objections to Magistrate Judge Otazo-Reyes's Report and Recommendation on Defendants' Motions to Dismiss for Lack of Personal Jurisdiction ("Objections Brief"). The Objections Brief contains excerpts of and references to, *inter alia*, the following exhibits, which Defendants have designated Confidential under the Confidentiality Order: Exhibits 1, 8A, and 77. These exhibits were previously filed under seal in this action pursuant to the Court's Order entered on January 25, 2022, Dkt. 222.

Plaintiff does not have an interest in the confidential treatment of these exhibits, and reserves the right to challenge Defendants' confidentiality designations on the grounds that the designated matter does not "qualif[y] for protection under Federal Rule of Civil Procedure 26(c)

or [any] applicable laws or regulations," Dkt. No. 88 ¶ 2.3. Nevertheless, in accordance with the Confidentiality Order, which prohibits "fil[ing] in the public record in the Action any Protected Material" absent "[w]ritten permission from the Designating Party or a court order," *id.* ¶ 12.3, and provides that "Protected Material may only be filed under seal pursuant to court order authorizing the sealing of the specific Protected Material at issue," *id.*, Plaintiff respectfully requests the Court's leave to file under seal the unredacted Objections Brief and a lift of that seal within 60 days of the disposition of Defendants' Rule 12(b)(2) motions, Dkt. 197-98, 201-02.

Dated: September 20, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on September 20, 2022, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ David S. Mandel
David S. Mandel