

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

LENDINGTREE, LLC,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.:
v.	)	09-CV-367
	)	
MORTECH, INC.,	)	
	)	
Defendant.	)	
	)	

**MOTION TO SEAL**

Plaintiff LendingTree, LLC (“Plaintiff”), by and through its undersigned Counsel, respectfully moves this Court for an Order directing that its anticipated Motion for Temporary Restraining Order and Preliminary Injunction and any documents related to its Motion for Temporary Restraining Order and Preliminary Injunction be sealed until further order of this Court. In support of its Motion to Seal, Plaintiff shows the Court:

1. Local Rule of Civil Procedure 6.1 “govern[s] any request by a party to seal, or otherwise restrict public access to, any materials filed with the Court or utilized in connection with judicial decision-making.”
2. Local Rule of Civil Procedure 6.1(C) provides that the motion papers under this rule shall set forth: (1) a non-confidential description of the material sought to be sealed and (2) a statement as to why sealing is necessary and why there are no alternatives to filing under seal.
3. Accordingly, Plaintiff shows the Court that the papers in support of Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction contain nonpublic, sensitive and confidential information about Plaintiff LendingTree’s business processes and systems

including descriptions of Plaintiff's new business products currently being developed in conjunction with Defendant Mortech, Inc. ("Defendant").

4. Plaintiff further shows the court that these documents are confidential business materials protected from disclosure by a confidentiality agreement between Plaintiff and Defendant. Sealing is necessary to protect the business interests of the parties, which would be adversely affected if the confidential information were revealed to third parties outside this litigation through a public filing.

5. The confidential materials filed in support of Plaintiff's motion for Temporary Restraining Order and Preliminary Injunction are necessary to substantiate Plaintiff's allegations that Defendant's breach of contract would result in irreparable injury. As such, there are no alternatives to filing these documents under seal.

WHEREFORE, the Plaintiff prays that the Court grant Plaintiff's Motion to Seal.

A proposed order is submitted herewith.

Respectfully submitted this 25th day of August, 2009.

s/ Joey H. Foxhall  
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*Attorneys for LendingTree, LLC*

**CERTIFICATE OF SERVICE**

Defendant has not made an appearance at this time. Plaintiff understands that Defendant is represented by counsel set forth below. As such, I hereby certify that the foregoing **MOTION TO SEAL** was delivered to counsel, as set forth below, by electronic mail and by U.S. Mail at the following address:

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*Attorney for Defendant Mortech, Inc.*

s/ Joey H. Foxhall  
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Joey H. Foxhall