



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

SOUTHERN COMPANY SERVICES, INC.,	}	
	}	
Plaintiff,	}	
	}	
v.	}	
	}	Case No. 2015-CV-900668
BRETT J. WINGO,	}	
	}	
Defendant.	}	

**PLAINTIFF SOUTHERN COMPANY SERVICES, INC.’S
MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiff Southern Company Services, Inc. (“SCS”) respectfully requests leave to file an exhibit, submitted in support of its simultaneously-filed Complaint and Motion for Temporary Restraining Order, under seal. In further support, SCS states as follows:

1. This lawsuit concerns (1) Defendant Brett J. Wingo’s intention to renege on a settlement agreement between him and SCS and (2) SCS’s desire that the parties should abide by the terms of the settlement agreed to by the parties and confirmed in writing by counsel for both parties.

2. The terms and nature of that settlement agreement are confidential, as agreed by the parties, and but for this dispute, SCS would have no reason to disclose the settlement agreement to this Court or to any other party.

3. Although judicial proceedings are presumptively public, this Court has wide discretion to seal certain records, including, for example, settlement agreements. See, e.g., Medley v. Am. Cancer Soc’y, No. 10-3214, 2010 WL 3000028, at *1 n.1 (S.D.N.Y. July 23, 2010) (“Because the terms of the settlement agreement are confidential, it will be filed under seal.”). The Alabama Supreme Court has recognized that a record may be sealed if it contains “confidential commercial research or information.” Hollad v. Eads, 614 So. 2d 1012, 1016 (Ala.

1993) (citation omitted). Additionally, sealing settlement agreements is consistent with the Court's "authority in encouraging settlement agreements" between parties. Id. at 1015.

4. Here, the Affidavit of William H. King, III and its attachment include sensitive, non-public information concerning settlement negotiations between SCS and Mr. Wingo as well as the terms of a confidential settlement agreement reached by the parties.

Accordingly, SCS respectfully requests that this Court grant it leave to file under seal the Affidavit of William H. King, III and its attachment. A proposed order is attached to this Motion as Exhibit A.

Dated: February 19, 2015

/s/ Lee M. Hollis
One of the Attorneys for SCS

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