

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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The United States of America, )  
 )  
Plaintiff, )  
 )  
v. ) Case No. 1:23-cv-01999-RDB  
 )  
Carahsoft Technology Corp., )  
 )  
Defendant. )  
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**DEFENDANT CARAHSOFT TECHNOLOGY CORP.’S MOTION TO SEAL  
GOVERNMENT’S OPPOSITION AND CARAHSOFT’S REPLY TO THE MOTION TO  
SET ASIDE CIVIL INVESTIGATIVE DEMAND NO. 24-754**

Defendant Carahsoft Technology Corp. (“Carahsoft”), by and through its attorneys, hereby moves this Honorable Court, pursuant to Local Rule 105.11, for an order to seal Government’s Opposition to Carahsoft’s Motion to Set Aside Civil Investigative Demand No. 24-754 (the “Opposition”) [ECF No. 67], and Carahsoft’s Reply to its Motion to Set Aside Civil Investigative Demand No. 24-754 (the “Reply”) [ECF No. 73]. In the alternative, Carahsoft requests that the Court allow Carahsoft to redact portions of the Opposition and the Reply that contains highly sensitive information related to Carahsoft and related parties, and also reveal the substance of the investigation being undertaken by the Department of Justice (“DOJ”), which would not be provided sufficient protection by any alternative to sealing.

Pursuant to Local Rule 105.11, a motion to seal any document to be filed in the Court record shall include “proposed reasons supported by specific factual representations to justify the sealing.” D. Md. L.R. 105.11. Courts have found that when “the documents in question contain confidential, proprietary, and commercially sensitive information” sealing of the documents is appropriate. *Maxtena, Inc. v. Marks*, No. CV DKC 11-0945, 2013 WL 12328065,

at \*3 (D. Md. Mar. 29, 2013) (citing *Pittston Co. v. United States*, 368 F.3d 385, 406 (4th Cir. 2004)).

Here, the Opposition and the Reply contains confidential and commercially sensitive information related to Carahsoft and its business partners. The Opposition and the Reply also contains a discussion of the status and the substance of the pending investigation being undertaken by the DOJ, which includes, several unsupported substantive allegations about Carahsoft and its business partners. These unsupported allegations, and the discussions surrounding these unsupported allegations have the potential to harm Carahsoft and its business partners' competitive standing in the marketplace. This is the kind of harm a motion to seal is supposed to protect against. See *United States v. Sentara Healthcare*, No. CV 3:23-MC-00007, 2024 WL 1023065, at \*7 (W.D. Va. Mar. 8, 2024); *Am. C.L. Union v. Holder*, 673 F.3d 245, 250 (4th Cir. 2011) (stating that, sealing provisions exist, *inter alia*, "to protect the reputation of a [party]" where "the United States has not yet decided whether to intervene"). Such harm would be particularly unfair and unwarranted because of the very preliminary status of the overall matter. Accordingly, Carahsoft moves to seal Government's Opposition to Carahsoft's Motion to Set Aside Civil Investigative Demand No. 24-754 [ECF No. 67] and its Reply to its Motion to Set Aside Civil Investigative Demand No. 24-754 [ECF No. 73].

Dated: September 10, 2024

Respectfully submitted,

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