STATE OF NORTH CAROLINA

WAKE COUNTY

North Carolina Domiciled Insurance Companies,

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

5 A FILE NO. 19 CVS 8664

MIKE CAUSEY.
COMMISSIONER OF INSURANCE
OF NORTH CAROLINA.

HI

Petitioner,

SOUTHLAND NATIONAL
INSURANCE CORPORATION,
SOUTHLAND NATIONAL
REINSURANCE CORPORATION,
BANKERS LIFE INSURANCE
COMPANY, COLORADO BANKERS
LIFE INSURANCE COMPANY,

Respondents.

ORDER GRANTING MOTION TO SEAL FOR A LIMITED TIME

THIS CAUSE comes on before the undersigned Superior Court Judge upon Petitioner's Motion to Seal the Motion to Modify Order Granting Motion for Moratorium on Policy Surrenders and Other Relief. Having considered Petitioner's motion, the relevant portions of the record, and the applicable law, the Court hereby finds as follows:

- 1. Petitioner seeks to seal the Motion to Modify Order Granting Motion For Moratorium On Policyholder Surrenders and Other Relief ("Motion to Modify") submitted on September 9, 2020 and any Order granting the Motion to Modify in order to avoid creating undue confusion or uncertainty among policyholders that would result from prior notice of the Motion to Modify.
- 2. Notwithstanding the broad scope of the public records statute and the specific grant of authority in N.C. Gen. Stat. § 7A-109(a), North Carolina trial courts always retain the necessary inherent power granted them by Article IV, Section I of the North Carolina

Constitution to control their proceedings and records in order to ensure that each side has a fair and impartial trial. *See, e.g., Virmani v. Presbyterian Health Services Corp.*, 350 N.C. 449, 463, 515 S.E.2d 675, 685 (1999).

- 3. Petitioner requests that the Court seal the Motion to Modify and any Order granting the Motion to Modify temporarily, for a period of the shorter of 45 days, or until the Letters discussed in and attached to the Motion to Modify are mailed. Petitioner shall notify the Court if the Letters are mailed prior to the expiration of the 45 days.
- 4. Sealing the Motion to Modify for this short period of time will allow the Court to adjudicate Petitioner's Motion to Modify without creating undue confusion or uncertainty among policyholders.
- 5. The scope of the protection sought by Petitioner's Motion to Seal Documents is reasonably narrow.
- 6. Protecting the confidentiality of the information contained in the Motion to Modify temporarily outweighs the right of access during the limited period of sealing.

Based on the foregoing findings, the Court concludes that Petitioner's Motion to Seal Documents should be granted for good cause shown and in the Court's discretion.

IT IS THERFORE ORDERED that Petitioner's Motion to Seal Documents is ALLOWED. The Court shall retain the Motion to Modify, Motion to Seal, and any Order granting the Motion to Seal in a sealed envelope for a period of the shorter of 45 days, or until the Letters discussed in and attached to the Motion to Modify are mailed, to be opened only at

the Court's direction.

The Honorable A. Graham Shirley, II Superior Court Judge Presiding