

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00303-RBJ

EAGLE SYSTEMS & SERVICES, INC.,

Plaintiff,

v.

EXELIS SYSTEMS CORPORATION,

Defendant.

ORDER

The Court yesterday was inundated with telephone calls and expressions of anxiety all arising from what appears to be the plaintiff's careless filing of an Amended Complaint. Perhaps unaware that Rule 8 contemplates a short and plain statement of the claims, this is a 16-page document with 15 attached exhibits comprising 174 pages of additional materials. And, therein lies the rub. It seems that at least some of the material in the exhibits has caused the defendant apoplexy, as they fear that it might be making public certain information that the United States Army (the customer of both parties) wants to keep secret. Both parties now consent that the Amended Complaint and its exhibits may be sealed and entirely restricted from public view, but they seem oblivious to the Court's reason for declining their invitation.

Documents filed with the Court are public documents. If good cause is shown for restricting public access to a specific document or part of a document, say on grounds that it contains a true trade secret or it divulges private personal information such as a person's Social Security Number, then the Court will go along. Parties should try to avoid filing such documents, but sometimes it cannot be helped. However, to restrict public access to the whole

Amended Complaint and this mass of exhibits, without giving the Court any good cause to do so, will not fly.

Because it appears that this all results from a mistaken filing, the Court will ask the Clerk's Office to seal ECF No. 66. Essentially, I am permitting the plaintiff to "withdraw" this pleading and start over. Plaintiff may now file a new Amended Complaint. But it should avoid including in the text, or attaching as an exhibit, anything that contains confidential information that is not a critical part of the Amended Complaint. And if it cannot avoid filing such material entirely, then it should provide very good cause for restricting narrow portions of what it files.

DATED this 5th day of February, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", with a long, sweeping flourish extending to the right.

R. Brooke Jackson
United States District Judge