

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

**BOUNCING BEAR BOTANICALS, Inc., )  
et al., )**

**Plaintiffs, )**

**v. )**

**Case No. 10-4138-RDR**

**KTW ENTERPRISES, Ltd., et al., )**

**Defendants, )**

\_\_\_\_\_ )

**MEMORANDUM AND ORDER**

Defendants KTW Enterprises and Ryan Scott designated certain information produced during discovery as “confidential” or “attorneys’ eyes only” pursuant to the protective order (Doc. 81) filed in this case. Consistent with provisions of the protective order, plaintiffs moved for leave to file the information under seal as part of their motion for default judgment. Judge Vratil denied plaintiffs’ motion, finding that plaintiffs had not made a sufficient showing for filing the documents under seal. (Doc. 167).

The protective order also provides that any party has the right to have the court determine whether information disclosed during discovery has properly been designated as “confidential,” “trade secret,” or “attorneys’ eyes only.” (Doc. 81 at p. 2). This matter is before the court on plaintiffs’ motion to lift defendants’ designation of certain information as “confidential” or “attorneys’ eyes only” but to do so with redactions. (Doc. 168). After

review of the proposed exhibits, suggested redactions, and arguments of counsel, the court concludes that the motion should be GRANTED and the designations of “confidential” and “attorneys’ eyes only” shall be lifted. The information (with plaintiffs’ redactions) does not warrant protection from disclosure.

**IT IS THEREFORE ORDERED** that plaintiffs’ motion (**Doc. 168**) is **GRANTED**, consistent with the rulings herein.

**IT IS FURTHER ORDERED** that plaintiffs shall refile their motion for default judgment against defendant Alex Dimov with the necessary exhibits by **December 21, 2012** or, alternatively show cause in writing to Judge Richard D. Rogers by **December 21, 2012** why this case should not be dismissed with prejudice for failure to prosecute the action under Fed. R. Civ. P. 41(b).<sup>1</sup>

Failure to timely file the motion for default judgment or show cause as ordered herein may result in dismissal of the case without further notice to the parties.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 7th day of December 2012.

S/ Karen M. Humphreys

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KAREN M. HUMPHREYS  
United States Magistrate Judge

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<sup>1</sup>

This case was reassigned from Judge Vratil to Judge Rogers on November 2, 2012. (Doc. 180).