

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER M. PAYNE,	)	4:11CV3017
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
FRED BRITTEN, et al.,	)	
	)	
Defendants.	)	

This matter is before me on Plaintiff’s Motion for Protective Order. (Filing [114](#).) Also pending is Defendants’ Motion to Seal. (Filing [117](#).) I discuss each Motion below.

On October 17, 2014, Plaintiff filed Motion for Protective Order. (Filing [114](#).) In the Motion, Plaintiff states Defendants will eventually file certain mail items that contain private information. (*Id.*; Filing [114-1](#).) Plaintiff believes these mail items should be sealed to prohibit his “personal and private thoughts from being disseminated to the public.” (Filing [114-1](#) at CM/ECF p. 2.) Plaintiff also wants to protect the intended recipients of the mail items from “harassment.” (*Id.*) Plaintiff previously filed a similar Motion in this matter (filing [86](#)), which the court denied (filing [93](#)).

“The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden.” [Fed. R. Civ. P. 26\(c\)\(1\)](#). The burden of establishing good cause rests with the movant. [General Dynamics Corp. v. Selb Mfg. Co.](#), 481 F.2d 1204, 1212 (8th Cir. 1973).

After careful review, I find that Plaintiff has failed to establish good cause to issue a protective order in this matter. Accordingly, Plaintiff’s Motion for Protective Order (filing [114](#)) is denied.

On November 5, 2014, Defendants filed two indices of evidence containing 14 total letters. (Filings [118](#) and [119](#).) Three of the letters were provisionally filed under seal in accordance with my October 29, 2014, Memorandum and Order. (Filing [119](#); *see also* Filing [116](#).) In the Motion to Seal, Defendants ask me to issue an order officially sealing the provisionally sealed letters. (Filing [117](#).)

Defendants' Motion to Seal is granted and filing 119 shall remain sealed. However, Defendants are reminded that I may, at a later date, choose to unseal filing 119. Out of an abundance of caution, I will also restrict filing 118.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Protective Order (filing [114](#)) is denied.
2. Defendants' Motion to Seal (filing [117](#)) is granted and filing 119 shall remain sealed. Defendants are reminded that I may, at a later date, choose to unseal filing 119.
3. The Clerk of the court is directed to restrict filing 118. However, I warn the parties that I may, at a later date, choose to lift the restriction on filing 118.

DATED this 13<sup>th</sup> day of November, 2014.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

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