

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

<p><b>TRANSGENOMIC, INC.,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>vs.</b></p> <p><b>POWER3 MEDICAL PRODUCTS, INC.,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>8:10CV079</b></p> <p><b>ORDER</b></p>
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This matter is before the court on the plaintiff's Motion to Seal ([Filing No. 8](#)) pursuant to [Neb.R.Civ.P. 7.5](#). The plaintiff seeks to file the complaint and exhibits under seal because the complaint and exhibits contain private and confidential information necessary to the case, and such information cannot be redacted. Counsel asserts disclosure of such information to the public may be detrimental to the parties. Having reviewed the motion and complaint, the court finds a majority of the confidential or identifying information contained in the complaint is already in the public domain.<sup>1</sup> The court will consider a request to redact various portions of the complaint or exhibits.

**IT IS ORDERED:**

1. The plaintiff's Motion to Seal ([Filing No. 8](#)) is denied.
2. The court shall enter a designation changing the complaint and exhibits from provisionally "*Sealed*" - allowing access restricted to court users and the filing party - to "*Restricted*" - allowing access to court users and attorneys of record.
3. Plaintiff may re-file the Motion to Seal to set forth what information in the complaint or exhibits, if any, requires that such document be sealed. Such motion shall be filed on or before **March 26, 2010**. The motion shall be accompanied with plaintiff's proposed redacted complaint and exhibits.

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<sup>1</sup>An article detailing the contents of the complaint can be found online at the following website:

<http://www.genomeweb.com/proteomics/transgenomic-sues-power3-libel-slander-breach-contract-protein-biomarker-deal>.

## **ADMONITION**

Pursuant to [NECivR 72.2](#) any appeal of this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 9th day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

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