IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MICHAEL J. TRACY, et. al;

Plaintiffs,

vs.

8:12CV359

ORDER

TELEMETRIX, Inc.; et.al;

Defendants.

The plaintiffs have moved to file their Amended Motion to File a Third amended Complaint, and all 149 of its attachments, (Filing No. 260), as restricted access documents. (Filing No. 259). In ruling on this motion, the court "may lift the restriction on the document, strike it, or order the filing party to place a redacted copy of the document on the public docket." NECivR 5.3(c)(2).

"[T]here is 'a common-law right of access to judicial records." <u>Nixon v. Warner</u> <u>Communications, 435 U.S. 589, 597 (1978)</u>. "This right of access is not absolute, but requires a weighing of competing interests." <u>Id</u>.

The court has spot-checked the documents attached to Plaintiffs' motion to amend and has found documents that: 1) are available on public websites, (see, e.g., Filing Nos. 260-4 through 260-10); or 2) could be redacted in accordance with Nebraska Civil Rule 5.3(b), (see, e.g., Filing No. 260-3); or 3) in the absence of some explanation, do not appear to be confidential, (see, e.g., Filing Nos. 260-59; 260-130; 260-150).

Accordingly,

IT IS ORDERED:

1) On or before September 24, 2015, Plaintiffs shall file a brief or statement in support of their motion to restrict (Filing No. 259), which identifies: 1) the Filing No.

260 documents that should be filed of public record; 2) those documents which can be reasonably redacted (see <u>Nebraska Civil Rule 5.3 (b)</u>), along with a copy of the proposed redacted version; and 3) those documents which must be filed, in the totality, as restricted access documents along with an explanation of why confidentiality is necessary and redaction is not a reasonable option.

2) On or before October 8, 2015, Defendants may respond to Plaintiffs' brief or statement filed in support of the motion to restrict, (<u>Filing No. 259</u>).

3) Filing No. 260 (and its attachments) shall remain provisionally filed as a restricted access filing pending the court's ruling on the motion to restrict, (<u>Filing No.</u> 259).

September 12, 2015.

BY THE COURT:

<u>s/ Cheryl R. Zwart</u> United States Magistrate Judge