

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MITTENDORF SPORTS, a Maryland
Sole Proprietorship,

Plaintiff,

vs.

TOP RANK, INC., a Nevada
corporation, and TERENCE
CRAWFORD, an individual,

Defendants.

8:17-CV-11

ORDER

This matter is before the Court on defendant Top Rank's Motion to File under Seal ([filing 88](#)). That motion will be granted in part and denied in part.

If a document is to be filed on the Court's docket, it may, pursuant to this Court's local rules, be filed either as "restricted" or "sealed." A sealed document is available only to court users and the filing party; it is not available to the opposing party or the public. See [NEGenR 1.3\(a\)\(1\)\(B\)\(i\)](#); [NECivR 7.5\(c\)](#). A restricted document, on the other hand, is available to court users and parties of record. See [NEGenR 1.3\(a\)\(1\)\(B\)\(ii\)](#); [NECivR 5.3\(c\)\(3\)](#). The defendant's motion refers to documents containing confidential information that should be restricted pursuant to [Fed. R. Civ. P. 5.2\(e\)](#) and [NECivR 5.3\(b\)](#). Such documents should not be sealed: rather, they should be filed under provisional *restriction*, along with a motion for leave to restrict, as set forth in [NECivR 5.3\(c\)\(1\)](#).

In addition, the certificate of service for the sealed brief ([filing 89](#)) represents that service was provided "via the Court's CM/ECF electronic filing system." But when a sealed document is filed, the system does *not*

provide notice of electronic filing to all parties in the case. [NECivR 7.5\(b\)](#). The filing party must use alternate forms of service to provide all parties entitled to notice with copies of the sealed document. *Id.*

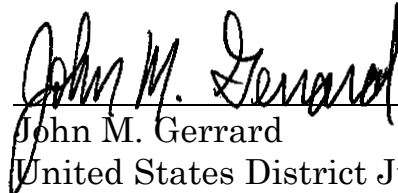
The defendant's brief and exhibits should be restricted, rather than sealed. The Court will, therefore, grant the defendant's motion in part, and order the Clerk of the Court to restrict access to the defendant's brief and exhibits and provide electronic notice of the filing to the other parties.

IT IS ORDERED:

1. The defendant's Motion to File under Seal ([filing 88](#)) is granted in part and denied in part.
2. The Clerk of the Court is directed to modify the docket entries for [filing 89](#) and [filing 90](#) to restrict access to court users and case participants.
3. The Clerk of the Court shall regenerate the notice of electronic filing for [filing 89](#) and [filing 90](#) in order to ensure that notice of the filings has been provided to the parties.

Dated this 2nd day of January, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge