

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MARINE TRAVELIFT INC.,

Plaintiff,

v.

Case No. 14-C-443

ASCOM SpA,

Defendant.

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**ORDER DENYING MOTION TO SEAL**

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Defendant ASCOM has filed a motion to seal portions of its Motion for Partial Summary Judgment in the above matter. The sole reason given for sealing the portions of the motion is that it has been designated “Confidential – Outside Attorneys’ Eyes Only” pursuant to the parties’ Protective Order. ASCOM also indicates that it has sealed portions of a deposition testimony “which plaintiff considers sensitive and confidential and has designated “Confidential – Outside Attorneys’ Eyes Only.”

The fact that a party designates material confidential is not a ground to seal the documents once filed in a court record. *See Union Oil Co. v. Leavell*, 220 F.2d 562, 568 (7th Cir. 2000)(“calling a settlement confidential does not make it a trade secret, anymore than calling an executive’s salary confidential would require a judge to close proceedings if a dispute erupted about payment (or termination).”) Accordingly, the motion to seal is denied. The denial, however, is without prejudice and the clerk should maintain the documents under seal, at least at this point. The plaintiff is the party that designated the information confidential, and thus plaintiff should be granted an opportunity to explain why the materials should be maintained under seal. The plaintiff

will be allowed 21 days within which to show cause why the material it designated confidential should remain under seal.

**SO ORDERED** this 24th day of December, 2014.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court