

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LANDS' END, INC.,  
LANDS' END DIRECT MERCHANTS, INC.  
and SEARS BRANDS BUSINESS UNIT  
CORPORATION,

Plaintiffs,

v.

CONNECTICUT SHOTGUN  
MANUFACTURING COMPANY,

Defendant.

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MEMORANDUM

09-cv-278-bbc

In this civil action, plaintiffs contend that defendant is violating various intellectual property rights they have with respect to their Willis and Geiger clothing brand name. Accompanying plaintiffs' complaint is a motion for a preliminary injunction. Once plaintiffs file with the court proof of personal service on defendant in accordance with Fed. R. Civ. P. 4(l) or a waiver of service under Fed. R. Civ. P. 4(d), I will schedule briefing and a hearing.

Also accompanying the complaint is a motion to file under seal several documents filed in support of plaintiff's motion for a preliminary injunction: the declaration of Karl Dahlen, dkt. #7, and exhibits C, D and E attached to their "Statement of Record Facts."

Dkt. #6. As the court of appeals noted recently, “[i]nformation that affects the disposition of litigation belongs in the public record unless a statute or privilege justifies nondisclosure. . . [T]hose documents . . . that influence or underpin the judicial decision are open to public inspection unless they meet the definition of trade secrets or other categories of bona fide long-term confidentiality.” United States v. Foster, — F.3d — , 2009 WL 1176478, \*1 (7th Cir. May 1, 2009). In this case, plaintiffs do not attempt to make any showing that the documents they wish to seal meet this standard. They say only that the documents are “confidential” and “have never been made public.” Accordingly, plaintiffs may have until May 8, 2009 to supplement their motion to explain why they believe their documents should be sealed. If they fail to respond by that date, I will unseal the documents.

Entered this 5th day of May, 2009.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge