

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**NITRO DISTRIBUTING, INC., WEST  
PALM CONVENTION SERVICES, INC.,  
NETCO, INC., SCHMITZ & ASSOCIATES,  
INC., and U-CAN-II, INC.,** )

**Plaintiffs,** )

**v.** )

**Case No. 03-3290-CV-W-RED**

**ALTICOR, INC., AMWAY CORPORATION,  
and QUIXTAR, INC.,** )

**Defendants.** )

**ORDER**

NOW before the Court is Defendants’ Motion for an Order to Show Cause (Doc. 162), Plaintiffs’ Suggestions Opposing Defendants’ Motion for an Order to Show Cause (Doc. 163), and Defendants’ Reply in Support of Motion for An Order to Show Cause (Doc. 164).

Plaintiffs and Defendants in this Case have agreed upon a protective order covering certain confidential information. Plaintiffs filed a exhibit video tape, designated confidential by Defendants, that was not under seal. In an accompanying Motion, also not filed under seal, Plaintiffs recited some of the contents of the video tape. Defendants argue that Plaintiffs purposely did not file the motion and video tape under seal, allowing others access to this information, including its publication on a few internet sites. Plaintiffs cured the problem within a few days and the information is now under seal. Defendants ask now for an Order to Show cause why Plaintiffs should not be sanctioned for these actions.

The Court finds that Defendants Motion is due to be denied. While it may have been improper for the Plaintiffs to file these materials without the proper protection to Defendants of

placing them “under seal,” Plaintiffs corrected the mistake as soon as it was apparent to them. Additionally, Defendants have not demonstrated how they were harmed by the availability of the information for such a limited time. Defendants mention the publication on a few internet sites, however they have not shown how this publication was damaging to them.

Accordingly, upon due consideration the Court finds that it would not be proper to issue an Order to show cause in these circumstances. Plaintiffs admit to a mistake which was corrected and appears to have caused little, if any, harm to Defendants. Defendants’ Motion for An Order to Show Cause (Doc. 162) is **DENIED**. The parties are reminded that a protective order has been issued in this case and that the parties are to follow this order when it is applicable.

**IT IS SO ORDERED.**

*/s/ Richard E. Dorr*  
RICHARD E. DORR, JUDGE  
UNITED STATES DISTRICT COURT

DATE: June 28, 2005