

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GLEND A COWAN,)	
Plaintiff,)	
)	
vs.)	1:08-cv-00764-LJM-JMS
)	
WALGREEN CO.,)	
Defendant.)	

ORDER

Presently before the Court is Defendant’s Unopposed Motion for Protective Order [Dkt. No. 34] (the “Motion”).

As between themselves, the parties are free to contract regarding the confidentiality restrictions that will govern the information that they share with one another. When they seek to make the Court a party to their agreement via a protective order, however, the Seventh Circuit has set firm limits on what this Court may approve. The proposed order [Dkt. No. 34 Ex. A] that the parties have submitted violates those limits. For example, it:

- Affords the Defendant a carte blanche to designate materials “confidential” regardless of whether they truly merit Court-sponsored protection [*Id.* at Def’n. ¶ (a)];
- Provides no provision for the public to challenge confidentiality designations;
- Appears to prospectively authorize filings under seal [*Id.* at ¶ 7]; and
- Maintains confidentiality over exhibits used in open court at trial [*Id.* at ¶ 11].

Each of those reasons independently justifies denying the Motion. *E.g. Citizens First Nat’l Bank v. Cincinnati Ins. Co.*, 178 F.3d 943 (7th Cir. 1999). Further, with respect to ¶ 15, the parties are advised that the Court will not approve protective orders providing for continuing jurisdiction after

final judgment. Accordingly, the Motion is DENIED.

03/26/2009

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line underneath the name.

Jane Magnus-Stinson
United States Magistrate Judge
Southern District of Indiana

Copies to: