

2003 WL 1086433
United States District Court,
S.D. Illinois.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,
v.
GROENDYKE TRANSPORT, INC., Defendant.

No. 3:02-CV-1016-MJR. | Jan. 31, 2003.

Opinion

ORDER

COHN, Magistrate J.

*1 Before the Court is the parties' Memorandum to Court and Stipulated Protective Order, received January 15, 2003, which the Court will construe as the parties' Motion for Protective Order. The parties assert that a Protective Order is necessary because certain information and documents which the parties may provide to each other may be proprietary and confidential in nature.

This Court recognizes the parties' desire to protect certain proprietary or confidential information and recognizes that pretrial discovery has traditionally been conducted in private. Nevertheless, under the dictates of *Citizens First National Bank of Princeton v. Cincinnati Insurance Co.*, 178 F.3d 943 (7th Cir.1999), and *Union Oil Company of California v. Leavell*, 220 F.3d 562 (7th Cir.2000), the Protective Order proposed by the parties cannot be sanctioned by the Court. The parties' Motion is fatally flawed, in that the proposed Protective Order is not limited to specific matters for which a Protective Order would be appropriate. Rather, it states that any documents and information produced or exchanged "... which either party believes in good faith is proprietary and confidential nature, may be designated as 'Confidential.'" Thus, the parties are given free rein to designate material as confidential. The determination of good cause cannot be left to the parties; that is the Court's prerogative, and a showing of particularized good cause must be made.

The Court finds that the parties have not articulated reasons that constitute good cause to justify the proposed Protective Order. Moreover, it would be against public policy and in contravention of *Citizens First National Bank of Princeton v. Cincinnati Insurance Co.* and *Union Oil Company of California v. Leavell* to enforce the terms of the proposed Protective Order. Accordingly, the Court being fully advised in the premises,

IT IS THE ORDER of this COURT that the parties' Motion for Protective Order be DENIED.

IT IS SO ORDERED.

Parallel Citations

91 Fair Empl.Prac.Cas. (BNA) 288