

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV52WA

RENAL CARE GROUP, INC.

DEFENDANT

ORDER

This matter came before the court on the Defendant’s Motion for Protective Order. The court has reviewed the motion and noted the lack of a Certificate of Good Faith as an attachment to it. Fed. R. Civ. P. 26(c) requires a party moving for a protective order to “include a certification that the movant has in good faith conferred or attempted to confer with other affected parties not making the disclosure in an effort to resolve the dispute without court action” Unif. Local R. 37.1(A) also requires counsel to confer in good faith prior to the filing of a discovery motion and goes on to state, “A Good Faith Certificate (Official Form No. 5) shall be filed with all discovery motions, with a copy to the Magistrate Judge.” Thus, the moving party’s filing of a Good Faith Certificate, in proper form, is a mandatory prerequisite to the court’s consideration of a motion for protective order.

Moreover, when a party seeks a protective order with regard to preserving the confidentiality of documents, the court’s usual practice is to give the parties an opportunity to jointly prepare the order. If that cannot be done in a timely fashion, then the court directs the parties to present their individual proposed orders, and the court enters the one it deems the most reasonable. Therefore, this Motion will be denied, but the court will set a schedule for the parties to present a proposed protective order/confidentiality agreement.

IT IS, THEREFORE, ORDERED that the Defendant’s Motion for Protective Order is hereby

denied.

IT IS FURTHER ORDERED that the parties present a jointly prepared protective order on or before March 12, 2007. If the parties are unable to reach an agreement on the form of that order, then individual orders should be presented to the court by that date.

IT IS SO ORDERED, this the 23rd day of February, 2007.

S/Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE