

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

ADVOCACY TRUST, LLC, as Special  
Administrator and Personal Representative of  
the Estate of Thomas Roy Rodabaugh, Deceased

PLAINTIFF

v.

No. 5:21-CV-05064

KIA CORPORATION, et al.

DEFENDANTS

**OPINION AND ORDER**

Before the Court is the parties' joint motion (Doc. 45) for protective order and proposed protective order (Doc. 45-1). The parties request a protective order governing documents and information "which constitute, refer to, or otherwise incorporate trade secrets, and confidential and/or proprietary information." (Doc. 45-1, p. 1). The motion will be GRANTED, and an amended protective order will be entered.

The parties have shown good cause for the entry of a protective order as to documents containing confidential and/or proprietary information. Trade secrets and other confidential commercial information fall squarely within the ambit of Rule 26(c). "Where discovery of confidential commercial information is involved, the court must 'balance the risk of disclosure to competitors against the risk that a protective order will impair prosecution or defense of the claims.'" *Bussing v. COR Clearing, LLC*, No. 12CV238, 2015 WL 4077993, at \*2 (D. Neb. July 6, 2015) (quoting *Nutratch, Inc. v. Syntech (SSPF) Int'l, Inc.*, 242 F.R.D. 552, 555 (C.D. Cal. 2007)). Here, each party appears to agree as to the proposed protective order. The protective order will neither impair prosecution nor the defense of the claims. The Court finds that good cause has been shown for the entry of a protective order regarding documents containing confidential and/or proprietary information.

The Court will separately enter a revised protective order.

IT IS SO ORDERED this 23rd day of February, 2022.

*/s/ P. K. Holmes, III*

P.K. HOLMES, III  
U.S. DISTRICT JUDGE