

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02742-CMA-MJW

BENNETT I. MACHANIC, M.D.,

Plaintiff,

v.

PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, et al.,

Defendants.

**ORDER REGARDING
DEFENDANTS' MOTION FOR ORDER PROTECTING CONFIDENTIAL STATUS OF
DOCUMENTS PURSUANT TO DOCKET NO. 65 AND F.R.C.P. [SIC] 26(C)(7)
(DOCKET NO. 91)**

Entered by United States Magistrate Judge Michael J. Watanabe

This matter is before the court on Defendants' Motion for Order Protecting Confidential Status of Documents Pursuant to Docket No. 65 and F.R.C.P. [sic] 26(c)(7) (docket no. 91). The court has reviewed the subject motion (docket no. 91) and the response (docket no. 103) thereto. In addition, the court has taken judicial notice of the court's file and has considered applicable Federal Rules of Civil Procedure and case law. Lastly, the court has reviewed, *in camera*, Fair Claims Settlement Practices computer-based training module materials that were filed under seal (docket no. 111), pages numbered UNUM/Machanic 00015 to UNUM/Machanic 00063, inclusive. The court now being fully informed makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court finds:

1. That I have jurisdiction over the subject matter and over the parties to this lawsuit;
2. That venue is proper in the state and District of Colorado;
3. That each party has been given a fair and adequate opportunity to be heard;
4. That Defendants request that this court enter an Order clarifying that the Fair Claims Settlement Practices computer-based training module materials (information), UNUM/Machanic 00015 to UNUM/Machanic 00063, inclusive, (docket no. 111) produced by Defendants retain their designated status as “confidential” pursuant to the Agreed Stipulation and Protective Order entered by the Court on July 10, 2009;
5. That the Fair Claims Settlement Practices computer-based training module materials (information), UNUM/Machanic 00015 to UNUM/Machanic 00063, inclusive, (docket no. 111) are confidential commercial materials (information), and there is no need to disseminate these materials to third parties wholly unrelated to this litigation in order to be able to prove Plaintiff’s claims against Defendants; and
6. That Defendants have demonstrated good cause consistent with Gillard v. Boulder Valley School District RE-2, 196 F.R.D. 382

(D. Colo. 2000), to designate the Fair Claims Settlement Practices computer-based training module materials (information), UNUM/Machanic 00015 to UNUM/Machanic 00063, inclusive, (docket no. 111) as “confidential” pursuant to the Agreed Stipulation and Protective Order entered by this court on July 10, 2009;

ORDER

WHEREFORE, based upon these findings of fact and conclusions of law, this court **ORDERS**:

1. That Defendants’ Motion for Order Protecting Confidential Status of Documents Pursuant to Docket No. 65 and F.R.C.P. [sic] 26(c)(7) (docket no. 91) is **GRANTED**;
2. That the Fair Claims Settlement Practices computer-based training module materials (information), UNUM/Machanic 00015 to UNUM/Machanic 00063, inclusive, (docket no. 111) are “confidential” pursuant to the Agreed Stipulation and Protective Order entered by this court on July 10, 2009;
3. That the Fair Claims Settlement Practices computer-based training module materials (information), UNUM/Machanic 00015 to UNUM/Machanic 00063, inclusive, (docket no. 111) shall remain SEALED and not opened except by further Order of Court; and

4. That each party pay their own attorney fees and costs for this motion.

Done this 4th day of January 2010.

BY THE COURT

s/ Michael J. Watanabe
MICHAEL J. WATANABE
U.S MAGISTRATE JUDGE