

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02011-WDM-MEH

MICHAEL J. EVANS and
ELIZABETH EVANS,

Plaintiffs,

v.

HARTFORD FIRE INSURANCE COMPANY,

Defendant.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Pending before the Court is Defendant's Motion for Protective Order Regarding Documents Produced During Discovery [filed May 7, 2010; docket #66], and Plaintiffs' Motion and Proposed Confidentiality Protective Order [filed May 6, 2010; docket #63]. The Court requested that the parties attempt to agree upon and submit a protective order governing the exchange of documents in this case. It appears that the parties have made a good faith attempt to do so, but two differences remain.

First, the parties differ on whether to allow 10 or 20 days to file a motion in response to an objection to a claim of confidentiality. The Court believes 10 days is sufficient.

Second, the parties differ on a provision governing destruction of documents. Plaintiff seeks a provision that would require destruction of paper records within 30 days of the final order in this case and destruction of electronic records within seven years. Defendant seeks a scheme that would allow it to maintain records consistent with existing laws and its own business retention policies, while at the same time requiring Plaintiff to comply with a different set of rules for document

destruction. Plaintiffs contend that Defendant's proposal constitutes a "double standard."

The Court does not see Plaintiffs and Defendant as equally situated. Defendant has presented sound business and legal reasons why it must maintain records. It has also made to the Court assurances that the Plaintiffs' confidential information (whether produced in this litigation or as part of the original claim) will be kept confidential within its system of records. On the other hand, Plaintiffs have presented no sound reason to maintain the records of this litigation once it is completed. Therefore, the Court agrees with Defendant on this point.

Accordingly, Defendant's Motion for Protective Order Regarding Documents Produced During Discovery [filed May 7, 2010; docket #66], and Plaintiffs' Motion and Proposed Confidentiality Protective Order [filed May 6, 2010; docket #63], are **GRANTED IN PART** and **DENIED IN PART** as stated herein. The parties are to submit a conforming protective order by the close of business on Monday, May 10, 2010.

Dated at Denver, Colorado, this 7th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge