

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03098-MEH

KRIS OLSON,

Plaintiff,

v.

PENSKE LOGISTICS, LLC,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on January 15, 2015.

The Joint Motion for Entry of Protective Order [filed January 15, 2015; docket #28] is **denied without prejudice**. The Court declines to adopt the proposed protective order; at paragraph 11, the parties propose, "... it shall be the obligation of the party *challenging* the designation of the information as Confidential Material to file an appropriate motion...." Motion at 5 (emphasis added). However, the paragraph also provides, "In connection with a motion filed under this provision, the party *designating* the information as Confidential Material shall bear the burden of establishing that good cause exists...." *Id.* (emphasis added). The Court finds that, consistent with *Gillard v. Boulder Valley Sch. Dist.*, 196 F.R.D. 382 (D. Colo. 2000), the party having the burden of proof should have the obligation to file a motion and the opportunity to reply to any arguments made in opposition.

The parties may re-file their motion with a proposed protective order that conforms to this order.