

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 15-cv-00384-PAB-NYW

ALEXANDER JAY RUBIN, M.D.,

Plaintiff,

v.

THE UNITED STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK,

Defendant.

ORDER

This matter is before the Court on defendant's Unopposed Motion to Substitute Amended Pleading and Exhibits in Compliance with Fed. R. Civ. P. 5.2 [Docket No. 68]. Defendant states that, on January 7, 2016, plaintiff's counsel informed defendant's counsel that certain documents filed in this case were not in compliance with Fed. R. Civ. P. 5.2. Docket No. 68 at 1, ¶ 1. Defendant's counsel agrees that the documents are not in compliance with Rule 5.2 – specifically, that the documents at issue improperly disclose plaintiff's date of birth – and defendant wishes to substitute amended documents, which redact plaintiff's date of birth, for the non-compliant filings.¹

The Court cannot simply substitute defendant's amended filings for the originals. Rule 5.2 does, however, authorize the Court to issue an order "limit[ing] or prohibit[ing] a nonparty's remote electronic access to a document filed with the court." Fed. R. Civ. P. 5.2(e)(2). Mindful of the need to protect plaintiff's private information, the Court

¹The filings at issue are Docket Nos. 43-1, 55, 55-3, 55-8, 55-9, and 63-1. See Docket No. 68 at 2, ¶ 4.

construes defendant's motion as a motion to place the non-compliant filings under restriction and to file redacted copies publicly. The Court will grant such relief.

Accordingly, it is

ORDERED that defendant United States Life Insurance Company in the City of New York's Unopposed Motion to Substitute Amended Pleading and Exhibits in Compliance with Fed. R. Civ. P. 5.2 [Docket No. 68] is **GRANTED** in part as reflected in this order. It is further

ORDERED that the Clerk of the Court shall place the documents filed as Docket Nos. 43-1, 55, 55-3, 55-8, 55-9, and 63-1 under Level 1 restriction. It is further

ORDERED that the Clerk of the Court shall enter the exhibits to defendant's motion as redacted versions of the restricted filings as follows: Docket Nos. 68-1 and 68-2 shall be entered as redacted versions of Docket No. 43-1; Docket No. 68-3 shall be entered as the redacted version of Docket No. 55; Docket No. 68-4 shall be entered as the redacted version of Docket No. 55-3; Docket No. 68-5 shall be entered as the redacted version of Docket No. 55-8; Docket No. 68-6 shall be entered as the redacted version of Docket No. 55-9, and Docket No. 68-7 shall be entered as the redacted version of Docket No. 63-1.

DATED April 12, 2016.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge