

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

JILL FISHER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CAUSE NO. 1:10-CV-38
)	
YOUR FRIENDS & NEIGHBORS, INC., et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Before the Court is a Joint Motion to Approve Stipulated Protective Order filed by the parties, seeking approval of a proposed protective order pursuant to Federal Rule of Civil Procedure 26(c). (Docket # 132.) As the proposed order is deficient in two ways, it will be DENIED.

First, the definition of “Confidential Personal Information” and “Confidential Business Information” in paragraph 5 includes documents that “contain” certain confidential information, rather than protecting solely the confidential information itself. This renders the redaction provision in paragraph 7 less effective. The proposed order should provide for the contemporaneous public filing of a redacted version of the document (in which *only* the actual confidential material is redacted, not any document “containing” confidential material) when an unredacted version is filed under seal. *See Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). It is important to remember that “the public at large pays for the courts and therefore has an interest in what goes on at all stages of a judicial proceeding.” *Id.*

Second, paragraph 20 of the proposed order suggests that the Order may be amended by the written agreement of the parties. However, an order of the Court cannot be modified simply through written agreement of the parties, as the Court must ensure that the amendment conforms with the requirements of Federal Rule of Civil Procedure 26(c)(1) and Seventh Circuit case law.

For these reasons, the Court DENIES approval of the proposed agreed protective order (Docket # 132). Of course, the parties may submit a revised protective order that cures these identified deficiencies and is consistent with the requirements of Rule 26(c)(1) and Seventh Circuit case law.

SO ORDERED.

Enter for this 4th day of June, 2012.

S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge