

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

EMILY HERX,

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Plaintiff,

)

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v.

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CAUSE NO. 1:12-CV-122

)

DIOCESE OF FORT WAYNE-SOUTH

)

BEND, INC., et al.,

)

)

Defendants.

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OPINION AND ORDER

Before the Court is an Unopposed Motion for Protective Order (Docket # 78) filed by Defendants, seeking the approval of a proposed protective order stipulated to by the Defendants. The proposed order is limited to pre-trial discovery only; if a party desires that information be sealed from public record, the party must comply with Local Rule 5.3 and make a showing of good cause in accordance with Federal Rule of Civil Procedure 26(c). Nevertheless, because the proposed order contains several defects, it will be DENIED.

Paragraph 13 states that the Court “retains jurisdiction to make such amendments, modifications and additions to [the] Order as the Court may from time to time deem appropriate.” But the Court is unwilling to enter a protective order that suggests the Court retain jurisdiction of any kind after the resolution of the case. *E.E.O.C. v. Clarice’s Home Care Serv., Inc.*, No. 3:07-cv-601 GPM, 2008 WL 345588, at *2 (S.D. Ill. Feb. 7, 2008) (encouraging the parties to make a contractual agreement among themselves for the return of sensitive documents without court oversight); *see also Large v. Mobile Tool Int’l, Inc.*, No. 1:02-CV-177, 2010 WL 3120254, at *1 (N.D. Ind. Aug. 6, 2010).

Also, paragraph 14 of the proposed order provides that it may be amended “by the written agreement of counsel for the Parties in the form of a stipulation” An order of the Court, however, cannot be modified simply through 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.

Additionally, although the Defendants title the motion as “Unopposed,” they do not represent in the body of the motion that they have contacted Plaintiff’s counsel and that Plaintiff does not object to the motion.

For these reasons, the Court DENIES the Defendants’ Unopposed Motion for Protective Orders (Docket # 78). The parties may submit a revised protective order consistent with the requirements of Federal Rule of Civil Procedure 26(c)(7) and Seventh Circuit case law.

SO ORDERED.

Enter for this 8th day of May, 2013.

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