

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

TERRANCE S. MCKINNEY,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:15-cv-00079-WCL-SLC
)	
)	
THE OFFICE OF THE SHERIFF OF WHITLEY COUNTY, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on a motion for entry of agreed protective order (DE 16), seeking approval of a proposed agreed protective order (DE 16-1) submitted by the parties pursuant to Federal Rule of Civil Procedure 26(c)(1)(G). For the following reasons, the motion will be DENIED.

Rule 26(c)(1) allows the Court to enter a protective order for good cause shown. However, the Seventh Circuit Court of Appeals has made it clear that a protective order may only issue if the order “makes explicit that either party and any interested member of the public can challenge the secreting of particular documents.” *Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). Language permitting an interested member of the public to challenge the secreting of particular documents is missing from the tendered order.

Also, the proposed agreed protective order mistakenly cites to the local rules of the Southern District of Indiana and that court’s “Uniform Stipulated Protective Order.” (DE 16-1 at 1, 2, 3, 8). Of course, the local rules of the Southern District of Indiana and that court’s uniform

stipulated protective order do not apply to a proceeding in the Northern District of Indiana.

Accordingly, the Court DENIES the motion for entry of agreed protective order (DE 16) seeking approval of the proposed agreed protective order (DE 16-1). The parties may submit a revised proposed protective order consistent with the requirements of Rule 26(c)(1), Seventh Circuit case law, and this Court's local rules.

SO ORDERED.

Entered this 19th day of October 2015.

S/ Susan Collins
Susan Collins
United States Magistrate Judge