

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

CORY MCNAMEE,)	
Plaintiff,)	
)	CAUSE NO. 2:14-CV-260-JTM-PRC
vs.)	
)	
FAMILY FOCUS, INC.,)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on Defendant’s Motion for Protective Order [DE 31], filed by Defendant Family Focus, Inc. on November 2, 2015. Plaintiff Cory McNamee has not filed a response, and the time to do so has passed.

Paragraphs 5.c. and 11 of the proposed Protective Order mandate procedures for handling confidential discovery material which involve filing documents under seal without making a motion for leave to file under seal. The Court declines to enter these provisions because the Court requires such motions to be made as filings under seal cannot be maintained unless authorized by statute, Court rule, or Court order. *See* N.D. Ind. L.R. 5-3.

Further, Paragraph 14 provides: “The terms of this Protective Order shall survive any settlement, discontinuance, dismissal, judgment, or other disposition of this action. This Protective Order may be modified by further Order of the Court upon application to the Court with notice and opportunity to be heard to the parties hereto.” This provision requires the Court to retain jurisdiction over the Protective Order after the close of the case, something the Court cannot do. “The Court is unwilling to enter a protective order that requires the Court to retain jurisdiction . . . after the resolution of the case.” *E.E.O.C. v. Clarice’s Home Care Serv., Inc.*, No. 03:07-cv-601 GPM, 2008 WL 345588, at *2 (S.D. Ill. Feb. 7, 2008).

Based on the foregoing, the Court hereby **DENIES without prejudice and with leave to refile** Defendant's Motion for Protective Order [DE 31] without provisions prescribing the filing of documents under seal without the Court's permission or requiring the Court to retain jurisdiction over the Protective Order after the resolution of this case. Because Plaintiff filed no response to the instant motion, if Defendant refiles the motion making changes in accordance with this Order, the Court will not accept a response to the refiled motion.

So ORDERED this 20th day of November, 2015.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Cory McNamee, pro se