

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SIMON GLIK,	)	
	)	
<u>Plaintiff,</u>	)	
	)	
v.	)	Civil Action No. 10-10150-LTS
	)	
JOHN CUNNIFFE, et al.,	)	
	)	
<u>Defendants.</u>	)	
	)	

ORDER ON MOTION TO MAINTAIN CONFIDENTIALITY

November 1, 2011

SOROKIN, M.J.

Previously, the Court ordered the City of Boston to disclose to Plaintiff the internal affairs materials regarding the incident underlying the Plaintiff's complaint, subject to a confidentiality order. The parties now dispute whether the Court should lift the confidentiality order.<sup>1</sup> To meet its burden of establishing "good cause" under FED. R. CIV. P. 26(c), the City advances two grounds: that the internal affairs investigation is "still-ongoing," and that the documents contain statements from civilian witnesses other than the plaintiff.

The incident giving rise to this lawsuit and the internal affairs investigation at issue in the present motion occurred on October 1, 2007, over four years ago. The incident presents a fairly straightforward set of events of seemingly relatively brief duration. I note in that regard that the

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<sup>1</sup> The parties agree that personal identifying information of the witnesses identified in the documents shall remain confidential.

Plaintiff contends that the “still-ongoing” investigation has not resulted in the creation of a single new document in the last eight months. Accordingly, without evidence establishing that in fact the investigation is “still-ongoing,” the mere conclusory assertion by counsel of that fact is insufficient. The City may, if it wishes, no later than November 10, 2011, submit evidence to support its assertion that the investigation is ongoing and it may submit a supplemental memo, not to exceed five pages.

/s / Leo T. Sorokin  
UNITED STATES MAGISTRATE JUDGE