

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

APPLIED UNDERWRITERS, INC., a)		
Nebraska corporation, and)		
APPLIED UNDERWRITERS CAPTIVE)		
RISK ASSURANCE COMPANY, INC.,)		
)		
Plaintiffs,)		8:13CV25
)		
v.)		
)		
A&I STEEL FABRICATORS, INC.,)		ORDER
a California corporation, and)		
ABLE IRON WORKS, INC.,)		
)		
Defendants.)		
)		

This matter is before the Court on the motion of plaintiffs Applied Underwriters, Inc. ("Applied") and Applied Underwriters Captive Risk Assurance Company, Inc. (AUCRA) for a protective order (Filing No. [60](#)). Plaintiffs seek to limit circulation of certain discovery responses to viewing by defendants and their representatives, experts, and attorneys. In addition, plaintiffs seek to limit use of the responses to the present case.

"Fed.R.Civ.P. 26(c) requires that 'good cause' be shown for a protective order to be issued. The burden is therefore upon the movant to show the necessity of its issuance, which contemplates 'a particular and specific demonstration of fact, as

distinguished from stereotyped and conclusory statements. . . .”
Gen. Dynamics Corp. v. Selb Mfg. Co., 481 F.2d 1204, 1212 (8th
Cir. 1973) (quoting Wright & Miller, *Federal Practice and
Procedure: Civil* § 2035 at 264-65).

Though the requested protective order may be routine,
given defendants’ objections, the Court is obligated to test
plaintiffs’ showing of good cause against the standards laid out
by the Eighth Circuit. In arguing simply that the requested
discovery “contains financial information and business plans that
have limited public access,” plaintiffs have failed to make the
particularized demonstration of any fact which the Court could
assess or which the defendants could dispute. Therefore, no
protective order is appropriate at this time. Accordingly,

IT IS ORDERED that plaintiffs’ motion for a protective
order (Filing No. [60](#)) is denied.

DATED this 21st day of February, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court