

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PRISCILLA PIERCE,

Plaintiff,

MEMORANDUM AND ORDER

- v -

CV-08-1544 (SJ)(VVP)

THE CITY OF NEW YORK, et al.,

Defendants.

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The parties have submitted a Stipulation and Protective Order for execution by the court. A portion of the order is problematic. Although the purpose of the order, as set forth in the first recital clause, is to enable the defendants to “provide information and disclose documents pertaining to the personnel and disciplinary files for defendant officers” – an adequate basis for the entry of such an order – the definition of “Confidential Materials” in the first numbered paragraph provides for protection of a considerably broader range of documents. Specifically, that definition permits the defendants to designate as confidential any other documents they wish except for documents obtained from other sources or which are otherwise publicly available. This would give virtually unfettered discretion to the defendants to designate broad categories of documents and other information to be subject to the order without making the required showing of good cause under Rule 26(c) of the Federal Rules of Civil Procedure. Accordingly, the court has stricken from the first numbered paragraph of the Stipulation and Protective Order the phrase “and other documents that may be designated confidential by the defendants.” With that modification, the Order will be entered.

This ruling does not prevent the defendants from seeking to make additional documents subject to the order upon an appropriate application to the court supported by good cause.

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
January 15, 2009