

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAMON WHITFIELD,

Plaintiff,

**MEMORANDUM
AND ORDER**

- v -

CV-09-236 (DLI)(VVP)

COOPER ELECTRIC SUPPLY CO.,

Defendant.
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The parties have submitted a revised Stipulation and Order of Confidentiality for execution by the court which seeks to meet the objections raised by the court in declining to enter the one previously submitted. Again, however, the proposed order seeks to cover documents for which an adequate showing has not been made that confidential treatment is appropriate. Accordingly, the court declines to enter the proposed order as written. Rather, the court has modified the order by striking subparagraph (ii) in the first numbered paragraph of the order. It is not at all apparent to the court that the documents and information identified in that subparagraph must be kept confidential "to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense," the standard necessary for entry of a protective order under Rule 26(c)(1). This is particularly true with respect to documents concerning the defendant's "policies, practices, or procedures," a category so broad as to capture essentially every document that is likely to be produced in discovery.

This ruling is without prejudice to the submission of an affidavit that makes an appropriately specific showing that some or all of the documents described in subparagraph (ii) qualify for confidentiality under the applicable standards.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
March 24, 2010