

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STATEN ISLAND CHIROPRACTIC ASSOCIATES,
PLLC, et al.,

Plaintiffs,

MEMORANDUM AND ORDER

- v -

CV-09-2276 (ARR)(VVP)

AETNA, INC. et al.,

Defendants.

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The parties have submitted a Confidentiality Stipulation and Order for the court’s endorsement. The Order describes five categories of documents which may be made subject to the Order, three of which are problematic. Categories 2 and 5 are vague and overbroad to the extent that they would permit counsel to designate any documents to be subject to the Order simply because they believe them to be “confidential.” Category 4 permits documents and information to be designated as confidential simply based on the existence of a confidentiality agreement with a non-party. These provisions permit the parties to designate documents as confidential, and therefore subject to the order, without a showing of “good cause” as required by Rule 26(c). Accordingly, the court has declined to enter the order as written. Instead, the court has modified the fourth numbered paragraph by striking the problematic categories identified above. Should a party wish to designate other information for coverage under the Order, an application may be made to the court which describes that information with sufficient specificity to permit the court to determine whether it qualifies for protection, and if the need for protection is not readily apparent from the description of the information, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
December 8, 2009