

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09cv202**

**KENNETH P. BAKER,** )  
 )  
 **Plaintiff,** )  
 )  
**Vs.** )  
 )  
**KIMBERLY CLARK CORP.,** )  
 )  
 **Defendant.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the court on a proposed “Order on Confidentiality,” which is annexed to a “Stipulation to Enter Into Order On Confidentiality.” Docket Entry #13. As provided in Rule 7(b)(1), Federal Rules of Civil Procedure, and mandated in Local Civil Rule 7.1, an application to the court for an Order or other relief must be made in the form of a written motion. The court adheres to these rules not simply because they are rules; instead, the requirement of filing a motion insures that the court reaches the issue, inasmuch as there is no provision for ECF to track freestanding proposed Orders or Stipulations. The requirement of a motion further serves the public interest in assuring that Orders which limit public review are based on good and adequate cause. In this case, the stipulation fails to cite any rule or provision of law upon which the stipulation is based. The court notes that it has never seen an “Order on Confidentiality,” but routinely sees Protective Orders.

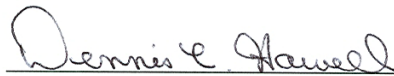
With those concerns in mind, the court will strike the stipulation as improvidently submitted and instruct the parties to file a joint or consent Motion for

Protective Order, therein showing good and adequate cause for the relief sought. Counsel may attach the proposed Consent Protective Order as an attachment to the motion (in PDF usable format) or they may submit it to the court through CyberClerk, or both. Proposed Orders that are unaccompanied by motions filed through ECF are, however, improper and there is no guarantee that they will even be found.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the Stipulation to Enter Into Order On Confidentiality (#13) is **STRICKEN** as improvidently submitted.

Signed: September 23, 2009

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Dennis L. Howell  
United States Magistrate Judge

