

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>KISHA EVANS, individually and as</b>	)	
<b>next friend of TME, and</b>	)	
<b>TME, a minor child,</b>	)	
	)	
<b>PLAINTIFFS,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE No. 08-CV-547-JHP-FHM</b>
	)	
<b>CITY OF TULSA, STEPHEN BOYES,</b>	)	
<b>TIMOTHY PIKE and DAVID HALE,</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

**OPINION AND ORDER**

Defendants’ Motion for Protective Order [Dkt. 75] is before the Court for decision.

The motion has been fully briefed.

Defendants seek a protective order limiting the use of the Defendant officers’ personnel files and Tulsa Police Department internal affairs files to the litigation of this case.<sup>1</sup> Defendants cite 51 Okla. Stat. § 24A.7 and numerous cases as support for the proposition that the files are confidential and properly subject to a protective order.

Plaintiffs argue that Defendants have not established which particular documents within the files are confidential and assert that a protective order imposes “administrative burdens on counsel.”

The Court finds that Defendants have adequately established the confidential nature of Defendants’ personnel files and the internal affairs files to justify the entry of a protective order. Given the nature of personnel files and internal affairs files, it is

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<sup>1</sup> The files have already been produced to Plaintiffs with the agreement of the parties that they will be treated as confidential pending the Court’s ruling on this motion. The parties are commended on this common-sense cooperative approach to handling discovery issues.

reasonable to address the issue on a categorical basis as opposed to incurring the burden and expense of a document-by-document determination. However, if Plaintiffs contend that specific documents within the files are not properly the subject of a protective order, Plaintiffs may seek relief from the Court.

Plaintiffs did not object to the terms of the proposed protective order submitted by Defendants. The Court will, therefore, enter Defendants' proposed order.

Defendants' Motion for Protective Order [Dkt. 75] is GRANTED.

SO ORDERED this 27th day of January, 2010.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE