IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH CENTRAL DIVISION

JUSTIN HARRISON BIRCH, individually and as personal representative of the Estate of VIRL LANE BIRCH, JOY FINLAYSON BIRCH, JUSTIN HARRISON BIRCH, JORDAN DOUGLASS BIRCH and COLTON BENNION BIRCH, **Plaintiff,** **v.** **POLARIS INDUSTRIES INC.,** **Defendant.**	**MEMORANDUM DECISION & ORDER** **Case No. 2:13-cv-00633** **United States District Court Judge Robert Shelby** **Magistrate Judge Dustin Pead**

Currently before the Court is Defendant Polaris Industries' Motion For Protective Order seeking to bar the depositions of Mike Schneider, Matt Kantrud, Andy Ives, Jim Lenz and Becky Bergson (doc. 49). This motion, along with other discovery related matters, are subject to the Short Form Discovery Order as issued by District Court Judge Robert Shelby on January 21, 2014 (doc. 28).[1] Consistent therewith, the motion and response have been submitted in "short form" and consideration of the matter has been expedited.

Upon review of the parties' submissions, the Court hereby denies Defendant Polaris Industries' Motion For Protective Order (doc. 49). As the moving party, Defendant fails to meet its burden of establishing "annoyance, embarrassment, oppression or undue burden or expense"

[1]This matter is assigned to Magistrate Judge Dustin Pead by referral from Judge Shelby pursuant to 28 USC § 636(b)(1)(A) (doc. 33).

stemming from the depositions of the named individuals (doc. 49-1). *See* Fed. R. Civ. P. 26(c). Specifically, while Defendant appears to challenge the utility of the depositions, or otherwise assert that there are better alternatives, the Court concludes that such argument is insufficient for Defendant to meet its burden under the motion.

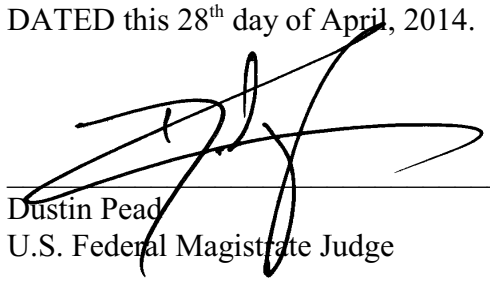
Accordingly, the parties are hereby instructed to meet and confer in order to establish a mutually convenient date and time to conduct the relevant depositions.

ORDER

1. Defendant's Motion For Protective Order is DENIED (doc. 49).

2. Plaintiff's Motion To Seal Exhibit 3 (doc. 51-3) of Plaintiffs' Response to Defendant Polaris' Motion for Protection (doc. 51) is GRANTED

DATED this 28th day of April, 2014.



Dustin Pead
U.S. Federal Magistrate Judge