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

Systems West Performance, LLC, a Utah Limited Liability Company, Plaintiff, v. James Farland, Defendant.	MEMORANDUM DECISION AND ORDER GRANTING MOTION TO STRIKE AND DENYING MOTION FOR PROTECTIVE ORDER Case No. 2:14-cv-276 DN District Judge David Nuffer Magistrate Judge Brooke Wells

Defendant moves the Court for a protective order "preventing the Plaintiff from seeking any information in discovery relating to the Defendant's income, compensation, and/or employment benefits."[1] In opposition, Plaintiff moves to strike Defendant's motion "on the ground that Defendant failed to meet and confer, and failed to certify such a meeting, as required by Rule 26(c)."[2] Defendant has not responded to Plaintiff's motion and the time to do so has passed.[3]

Under rule 26(c), a party seeking a protective order must demonstrate "good cause" for the protection sought and include a "certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action."[4] Here there is no certification that Defendant conferred with Plaintiff prior to filing the motion. Because the motion fails to make the required certification the Motion to Strike

[1] Mtn. for protective order, docket no. 21.

[2] Mtn. to strike, docket no. 23.

[3] DUCivR 7-1(3).

[4] Fed. R. Civ. P. 26(c)(1).

Defendant's Motion for Protective Order is GRANTED. If the parties cannot reach an agreement regarding Defendant's financial information, Defendant may renew the motion for protective order, but the renewed motion must be accompanied by a certification that he has attempted to resolve the issue with Plaintiff without court action.

IT IS SO ORDERED.

DATED this 17 December 2014.

Brooke C. Wells
United States Magistrate Judge