

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAY J. SCHINDLER, M.D.,

Plaintiff,

v.

MARSHFIELD CLINIC, *et al.*,

Defendants.

ORDER

05-C-705-C

Before the court is the Marshfield Clinic defendants' two-part motion for relief from the protective order in plaintiff's related case and to compel production (dkt. 38), supported by the declaration of Matthew J. Duchemin (dkt. 39). These defendants are asking the court to grant relief from the February 7, 2006 protective order entered in plaintiff's other civil case in this court (05-C-521-C) and to compel plaintiff to produce previously-protected documents from that case in response to discovery requests in the instant case.

Defendants filed this motion on June 30, 2006; pursuant to the pretrial conference order, any response was due from plaintiff by July 5, 2006. *See* dkt. 8 at 6. It is now July 10, 2006 and plaintiff has not responded. Regardless whether this failure to respond is intended as acquiescence in defendants' motion, I am granting the motion on its merits.

Plaintiff's two lawsuits are not identical but the material facts overlap and many of these facts raise legitimate confidentiality concerns. There is no persuasive reason, however, to wall off from the defendants in this lawsuit relevant-but-confidential information unearthed in plaintiff's first lawsuit. On May 3, 2006 this court entered a stipulated protective order in this

case that is sufficient to maintain the confidentiality of any material that was designated confidential (to any degree) in the other case.

Therefore, it is ORDERED that defendants' motion is GRANTED in both parts.

Entered this 10th day of July, 2006.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge