

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

LORI ANN VORWALD,

Plaintiff,

ORDER

v.

3M COMPANY,

08-cv-628-bbc

Defendant.

The parties have submitted a stipulated protective order for entry by the court. I am returning the proposed order to the parties for additional information. First, the law in this circuit requires the court to make an independent determination whether good cause exists to protect items from disclosure. Jepson, Inc. v. Makita Elec. Works, Ltd., 30 F.3d 854, 858 (7th Cir. 1994) (“In deciding whether to issue a stipulated protective order, the district court must independently determine if ‘good cause’ exists.”) Nothing in the proposed order supplies any basis for concluding that a protective order is necessary.

Second, as the law in this circuit also requires, the definition of “confidential information” must be objective and not subjective. Citizens First National Bank of Princeton v. Cincinnati Insurance Co., 178 F.3d 943, 944-45 (7th Cir. 1999). Therefore, the parties are to add the following language to their proposed order and amend the remainder of the order accordingly:

“CONFIDENTIAL INFORMATION” shall mean all information or material, and any copies thereof, produced for or disclosed to a receiving party by a producing party—including any party to this action and any non-party producing information voluntarily or pursuant to a subpoena or a court order—that constitutes or contains trade secrets or other confidential research, development, technical, financial, or commercial information, whether embodied in physical objects, documents, or the factual knowledge of person, and that has been so designated by the producing party.

When the parties have made the required changes, they may re-submit their proposed order.

Entered this 20th day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge