

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS JACKSON,)	
)	No. 22 C 4337
Plaintiff,)	
)	Magistrate Judge M. David Weisman
v.)	
)	
CITY OF CHICAGO, et al.)	
)	
Defendants.)	

ORDER

This case is before the Court on defendants' opposed motion for entry of a confidentiality order [25]. For the reasons set forth below, the Court denies defendants' motion with prejudice.

Defendants seek entry of a confidentiality order that contains some changes to the Court's model confidentiality order. However, as noted by plaintiff, defendants fail to explain the proposed changes. Indeed, defendants' motion argues for a proposed procedure for public release of confidential material produced in discovery, but for unknown reasons, the procedure contemplated in defendants' motion is nowhere to be found in defendants' proposed order.

Thus, plaintiff's motion is easily disposed of, for "[a] party requesting a protective order has the burden of demonstrating to the court that 'good cause exists for its issuance.'" *Fed. Trade Comm'n v. Advocate Health Care Network*, 162 F. Supp. 3d 666, 667 (N.D. Ill. 2016) (citing *Jepson v. Makita Elec. Works, Ltd.*, 30 F.3d 854, 858 (7th Cir.1994)); *see also* Fed. R. Civ. P. 26(c). In this case, defendants seek entry of a protective order without providing *any* support for the proposed order included with the motion. Consequently, no good cause has been shown.

Moreover, this is the second time defendants have failed to comply with basic procedural requirements as it relates to their motion for a protective order. First, defendants filed their motion for a protective order on April 5, 2023, but failed to include any proposed order with their motion. ECF 18. At a motion hearing on April 11, 2023, this Court denied the motion without prejudice for this reason and because it was unclear whether a proper Rule 37.2 conference had ever occurred between the parties. ECF 24. To the extent no compromise could be reached, the Court ordered defendants to re-file their motion—with explicit instructions to include the proposed order at issue as an exhibit to the motion¹—by April 19, 2023. *Id.* In other words, the Court provided defendants two weeks to either reach an agreement with plaintiff as to the confidentiality order, or to cure a basic procedural defect with their initial motion. Neither occurred. Rather, defendants re-filed their motion on April 18, 2023, and included a proposed

¹ The Court also ordered the parties to submit copies of the proposed order (both a clean copy and a redlined version of the Court's model order) to the Court's proposed order email address.

order that appears entirely unrelated to the motion's argument. The Court sees no compelling reason to permit defendants to file their motion for a third time. *See In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 331, 342 (N.D. Ill. 2005) ("Courts ought not to reward those who needlessly allow confusion to persist or who are the cause of discovery delays.").

Thus, the Court denies defendants' opposed motion for entry of a protective order [25] with prejudice. The Court's model confidentiality order will govern discovery in this case. *See Haligas v. City of Chicago, et al*, 22-CV-313 at Dkt. 43 (N.D. Ill. Oct. 17, 2022) (determining that the Northern District's model confidentiality order will govern discovery under similar circumstances). The ruling on motion hearing regarding the joint motion to extend fact discovery [19] scheduled for May 11, 2023, remains in place.

SO ORDERED.

ENTERED:

Dated: May 10, 2023



M. David Weisman
United States Magistrate Judge