

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

IAN POLLARD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-0086-CV-W-ODS
)	
REMINGTON ARMS COMPANY,)	
LLC, et al.,)	
)	
Defendants.)	

ORDER DENYING JOINT MOTION FOR ENTRY
OF STIPULATED PROTECTIVE ORDER

Pending is parties' Joint Motion for Entry of Stipulated Protective Order. (Doc. # 65). The Motion is denied.

On June 27, 2013, the Court entered a scheduling order, directing parties to commence discovery. (Doc. #45). On July 2, 2014, the parties filed a Joint Notice of Settlement (Doc. #61), in which they informed the Court that the parties had reached a nationwide class settlement of the claims alleged in both the Class Action Complaint (Doc. #1) and the proposed First Amended Class Action Complaint (Doc. #59-1). The parties also informed the Court that on or before October 30, 2014, they would prepare and execute a formal settlement agreement and submit to the Court a joint motion for preliminary settlement approval and a proposed Second Amended Class Action Complaint that encompasses the class(es) for which settlement relief extends. On October 29, 2014, the Court granted an extension of this October 30, 2014, deadline to December 5, 2014. (Doc. #63).

Presumably, the parties already have been participating in discovery – at least, enough so that the parties know the strengths and weaknesses of their case and are in a position to have reached a settlement. This is particularly true of Plaintiff, who is obligated to convince the Court that the forthcoming settlement is fair and reasonable and worthy of preliminary approval. This being the case there seems to be little need for any additional discovery – and, thus, little need for a protective order to protect any

future discovery. If it is the parties' intent to protect documents that already have been divulged, the Court is not persuaded that there is any reason why it should issue an order limiting disclosure of documents that already have been produced without any such protections.

Even if discovery were to continue, the Court would be unwilling to grant the broad protection sought. The proposed protective order would grant protection to "certain documents and tangible things which may be requested by Plaintiff to be produced during pre-trial discovery [which] may contain trade secrets and/or proprietary and confidential business information." Given that this case involves alleged design flaws with the Walker Fire Control trigger assembly, there is a strong public interest in not allowing the Court's orders to be used as a shield that precludes disclosure of this danger. More importantly, given that the parties intend to propose a national class-action settlement, there are strong fairness and Due Process concerns involved. The Court will not keep information from the public about this suit or this settlement; nor will the Court conceal information from potential class members.

For the foregoing reasons, the Motion is denied.

IT IS SO ORDERED

DATE: December 3, 2014

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT